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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92042082
Party	Defendant International Gold Star Trading Corp.
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Attachments	G. Pincow Transcript vol. 1 - REDACTED.pdf (84 pages)(140239 bytes) Registrant Ex. 123.pdf (2 pages)(45210 bytes) Registrant Ex. 124 - REDACTED.pdf (7 pages)(569461 bytes) Registrant Ex. 125 - REDACTED.pdf (9 pages)(154972 bytes) Registrant Ex. 126 - REDACTED.pdf (8 pages)(646016 bytes) Registrant Ex. 127.pdf (1 page)(288196 bytes)

FOUR SEASONS DAIRY, INC.,)
) Cancellation No.
 Petitioner,) 92/042,082
)
 vs.) Mark: Babushka's Recipe
)
 INTERNATIONAL GOLD STAR) Reg. No. 2,479,287
 TRADING CORP.,)
)
 Registrant.)
 -----)

CONFIDENTIAL EXAMINATION OF GALINA PINCOW
New York, New York
Thursday, October 16, 2008

TSG Reporting - Worldwide 877-702-9580

October 16, 2008

2:46 p.m.

Confidential Examination of GALINA
PINCOW, held at the offices of Cohen,
Pontani, Lieberman & Pavane, LLP, 551 Fifth
Avenue, New York, New York, before Kristin
Koch, a Registered Professional Reporter,
Registered Merit Reporter, Certified
Realtime Reporter, Certified Livenote
Reporter and Notary Public of the State of
New York.

A P P E A R A N C E S:

SAMUEL FRIEDMAN, ESQ.

Attorney for Petitioner

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BY: ROGER S. THOMPSON, ESQ.

ALSO PRESENT:

ALEXANDER BEKKER

OLEG KESSLER

1
2 (Registrant Exhibit 123, Amended
3 Notice of Deposition of Galina Pincow,
4 marked for identification.)

5 * * *

6 G A L I N A P I N C O W,
7 called as a witness, having been duly sworn
8 by a Notary Public, was examined and
9 testified as follows:

10 EXAMINATION BY

11 MR. THOMPSON:

12 Q. Thank you, Ms. Pincow. We have
13 handed to you a document which has been marked
14 as Exhibit Registrant's 123 which is an Amended
15 Notice of Deposition of Galina Pincow of
16 International Gold Star Trading Corp. at 570
17 Smith Street, Brooklyn, New York. Is that you?

18 A. Yes, it is.

19 Q. Thank you.

20 Are you currently employed,
21 Miss Pincow?

22 A. Yes, I am.

23 Q. Where are you employed?

24 A. International Gold Star, Inc.

25 Q. And what is your position there?

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2 A. Vice president.

3 Q. How long have you had that position?

4 A. The past five or six years.

5 Q. What are your duties at Gold Star?

6 A. Everything except anything that
7 concerns smoked fish. As you know, we have a
8 manufacturing facility called Gold Star Smoked
9 Fish which is a separate legal entity, so
10 anything and everything concerning
11 International Gold Star is my responsibility.

12 Q. Because it's --

13 A. A separate part of the business.

14 Q. Thank you.

15 So could you just be a little more
16 specific as to some of your duties, for
17 example, with respect to dairy products in
18 particular.

19 A. With dairy products in particular,
20 just as with all the other products, I am the
21 person that makes decisions on what products we
22 are purchasing, what products we are importing,
23 channels of distribution, marketing, financing
24 and operations in general.

25 Q. Now, you said that you have been

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2 vice president for five or six years. Have you
3 had those same duties since you have become
4 vice president?

5 A. Yes.

6 Q. Prior to the time you became vice
7 president, were you also employed by anyone?

8 A. International Gold Star, since 1995.

9 Q. So you were employed by Gold Star
10 before you were vice president in another
11 capacity?

12 A. As a general manager.

13 Q. And as a general manager of Gold
14 Star before you became the vice president, what
15 were your duties?

16 A. The same as I have listed before, so
17 I will repeat them again. Financing,
18 marketing, operations, sales, hiring and
19 bookkeeping.

20 Q. So even though your title changed,
21 your duties haven't changed?

22 A. That's right.

23 Q. Now, are you familiar with any
24 products sold by Gold Star under the name
25 Babushka's Recipe?

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2 A. Yes, I am.

3 Q. Do you remember the first time you
4 heard the name Babushka's Recipe in connection
5 with goods sold by Gold Star?

6 A. I did not hear the name. I created
7 the name.

8 Q. How did that come about?

9 A. I started working at Gold Star in
10 1995. In 1996 I felt comfortable dealing with
11 the products that were geared towards the
12 ethnic Russian market and I was constantly on
13 the lookout any ideas for marketing products
14 that were more nostalgic and more geared
15 towards the Russian population in the United
16 States and at the same time a product that
17 would have a name that kind of resonated and
18 was interesting to people of non-Russian
19 dissent, but still being identified as a
20 Russian-style product, and the name babushka
21 came about because, to the best of my
22 knowledge, the one word that is very much
23 familiar to the American people that they
24 understand and identify as a Russian word was
25 babushka, and that is why the name Babushka's

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2 Recipe made sense to me, so I created the name
3 and the name was created in 1996, 1997, late
4 '96 or early '97.

5 Q. Do you recall what you did once you
6 created that name?

7 A. I started thinking about what type
8 of products I would use that name for.

9 Q. And what type of products did you
10 start using it for?

11 A. I started using it on the products
12 that would be easy to apply the label to and
13 something that could be made at home, so farmer
14 cheese is such product, or butter, which used
15 to be made by the old ladies at home, made
16 sense to me. So that's the reason that those
17 two products were the first we labeled with the
18 Babushka's Recipe.

19 Q. Once you made the determination that
20 this was a new product name that you were going
21 to use, what steps, if any, did you take at
22 that time?

23 A. I decided to trademark the product.

24 Q. And before trademarking it, did you
25 take any steps to bring the product to market?

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2 A. Absolutely. I needed a good design
3 for the product and I needed a good designer to
4 do the job and to me that would be someone who
5 is familiar with Russian culture, Russian
6 stylistics and Russian design, and this is why
7 I chose Irina Lubenskaya.

8 Q. Could you just spell the name for
9 our court reporter.

10 A. L-U-B-I-N-S-K-A-Y-A.

11 Q. Could you please tell me about your
12 earliest conversations then with
13 Miss Lubenskaya.

14 A. I met Irina Lubenskaya at Cosmos
15 Communications. This is a design and printing
16 company that's based out of Long Island City, I
17 believe, at that time. And Irina was working
18 with me on the project concerning smoked fish
19 catalogs which were created for the trade show
20 in Moscow. She was involved with the design of
21 those catalogs and I got to know her very well,
22 because she was not only a top designer at
23 Cosmos, but also someone who understood a lot
24 about stylistics and marketing materials for,
25 you know, food items.

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2 Q. What, if anything, did you do once
3 you started to contact Miss Lubenskaya?

4 A. Well, after we completed the
5 brochure for Gold Star Smoked Fish and when the
6 idea of babushka was being created, I contacted
7 Irina and asked her if she would be willing to
8 do a couple of projects for me freelance.

9 MR. FRIEDMAN: Could I just have one
10 second.

11 (Record read.)

12 Q. And what were those projects that
13 she was asked to do freelance?

14 A. I asked her to create a concept of
15 babushka label. I described to her the image
16 or the idea that I had for this product or this
17 label and she sent me a couple of different
18 versions and we ended up choosing the one that
19 we use on our labels today.

20 Q. Do you remember when you had those
21 first conversations with Ms. Lubenskaya?

22 A. I would say the conversations that
23 we had were either late '96 or early '97.

24 MR. FRIEDMAN: Can I just ask for
25 clarification. What conversations are we

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2 talking about?

3 MR. THOMPSON: She had said -- well,
4 I was asking her about the conversations
5 she had testified she had with
6 Ms. Lubenskaya about the Babushka's Recipe
7 name.

8 MR. FRIEDMAN: Okay.

9 Q. Is that what you understood the
10 question to be, Ms. Pincow?

11 A. Yes.

12 Q. What, if anything, to your
13 knowledge, did Ms. Lubenskaya do in response to
14 those conversations?

15 A. She created several different
16 images, based on my description of what I
17 envisioned as a label, she created several
18 different options and we chose one which is
19 what we use today.

20 Q. And do you know when she first sent
21 you those labels?

22 A. 1997.

23 Q. Do you know when in 1997?

24 A. I would think it would be somewhere
25 in second quarter, maybe late first quarter,

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maybe beginning of second quarter of the year.

Q. I will ask you to take a look at what's been marked previously as Petitioner's Exhibit 207.

A. Okay.

Q. I will ask you to look at the second page of that document.

A. Okay.

Q. I will represent to you that this is a printout that has been produced to opposing counsel with a list of computer files on it. Is this something you have seen before?

A. No.

Q. So the dates of December 30, 1997, July 27th of 1997, based on these --

A. Can I retract that answer. I did see it today, but I saw it today for the first time while my husband was being deposed.

Q. Okay. I will ask you to look also then at Exhibit Petitioner's 206. The front page of it is the Gem Printing.

A. Right.

Q. And I will ask you to look down at the pages beginning GOLD 0213 and starting for

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2 the next ten pages down to I think it is 223.

3 A. Okay.

4 Q. Do you recognize those?

5 A. Are you referring to the bar codes?

6 Q. I am asking you about just the
7 documents themselves, if you have seen them
8 before today.

9 A. No.

10 Q. Look at page 224 and 225 of that
11 same exhibit, the last two pages, and I will
12 ask you if those look familiar?

13 A. Yes.

14 Q. What are they?

15 A. These are the initial drafts and I
16 should say the final draft of the Babushka's
17 Recipe label produced by Irina Lubenskaya.

18 Q. Do you remember the first time you
19 saw these documents?

20 A. I must have seen them in the middle
21 of 1997.

22 Q. Well, I will refer you back again to
23 that Exhibit 207 we had looked at a moment ago,
24 the second page, and it has a list of date
25 modified in the middle and names of files

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2 attached to it.

3 A. Yes.

4 Q. I will ask you if the date of July
5 27th, 1997 for a file called GrannyCollect.eps,
6 does that help you in any way place the dates
7 you had seen the documents in Exhibit 206?

8 MR. FRIEDMAN: Note my objection.

9 MR. THOMPSON: To?

10 MR. FRIEDMAN: Among other things,
11 leading the witness.

12 MR. THOMPSON: I am attempting to
13 refresh her recollection.

14 Q. Does that help you remember when you
15 saw the documents for the first time?

16 A. I want to say that I already stated
17 that I seen the label produced in the middle of
18 1997, so if we are going for the exact date
19 being July 27, then so be it, you know, because
20 I think middle of '97 is a pretty good estimate
21 of when I saw these labels first.

22 Q. Once you had seen the labels
23 produced by Ms. Lubenskaya, what, if anything,
24 did you do next with respect to the Babushka
25 products?

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2 A. I wanted to market it as our
3 exclusive product, so the idea was to create a
4 large variety of products under Babushka's
5 label.

6 Q. And you had said -- could you please
7 state again what products you decided to start
8 with.

9 A. I decided to start with dairy
10 products for the reason being that, you know,
11 the dairy product was something that could be
12 easily manufactured at home and, as it is known
13 in the Russian culture, a lot of dairy products
14 in the old countries were manufactured at home
15 by grandmothers. So we started with, like I
16 said, farmer cheese, butter, and later cheeses.

17 Q. Once you decided upon what products
18 you would be using the name Babushka's Recipe
19 on and you had had these drawings from
20 Ms. Lubenskaya, what did you do next?

21 A. I sent the idea over to the printer
22 that we used at the time and at the time it was
23 Jes Labels.

24 Q. Do you know how to spell Jes?

25 A. J-E-S Labels.

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2 Q. And what did you do with Jes with
3 respect to the labels?

4 A. Well, I explained to them that I
5 intend to start using these labels on the
6 products that will be supplied to me by
7 different vendors and I need to have these
8 labels printed.

9 Q. How did you go about getting labels
10 printed from Jes?

11 A. Well, obviously we sent to Jes
12 Labels the files that were created -- the raw
13 files, I should say, that were created by Irina
14 Lubenskaya, and the development took place
15 where we would discuss different colors for the
16 production of the final label. I also supplied
17 Jes Labels with the product names that we will
18 be using, we would be using on these labels.

19 Q. And who did you deal with at Jes?

20 A. Ester. I don't recall her last
21 name.

22 Q. Now, do you know if Jes is still in
23 business?

24 A. I know that it's not.

25 Q. What, if anything, has happened to

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2 Jes, if you know?

3 A. To the best of my knowledge, Jes was
4 taken over or bought out by Gem Printing.

5 Q. And do you know who the principal is
6 at Gem Printing?

7 A. Dan Bartolomeo.

8 Q. Is Mr. Bartolomeo your contact point
9 at Gem Printing?

10 A. Yes, he is.

11 Q. Subsequent to the purchase of Jes by
12 Gem, have you had continuous business dealings
13 with Gem?

14 A. Subsequent --

15 Q. In other words, after --

16 A. Yes, I have.

17 Q. Okay. And do those relations
18 continue to today?

19 A. Yes.

20 Q. Could you please describe at least
21 with respect to any products relating to
22 Babushka's Recipe what those business dealings
23 are with respect to either Jes or Gem?

24 MR. FRIEDMAN: Objection. Form.

25 Jes or Gem, I think it's a bit confusing.

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2 Q. Well, starting with Jes, what were
3 your business dealings with respect to any
4 products that you would ultimately sell under
5 the name Babushka's Recipe?

6 A. Starting with Jes, the two product
7 labels that they made for us were the farmer --
8 excuse me, Babushka's Recipe farmer cheese,
9 Tvorog, and a Babushka's Recipe butter. I
10 think we called it homestyle butter.

11 Q. And have you continuously had Jes
12 print labels for you for those products until
13 they went out of business or until they were
14 acquired by Gem?

15 A. No. We stopped using Jes' labels a
16 little later on when we bought our own printer,
17 so for the farmer cheese Tvorog the label was
18 being produced in house.

19 Q. Do you know when that started?

20 A. I would say it started in 1998,
21 1999.

22 Q. Did you have other labels with
23 Babushka's Recipe on it printed by Jes other
24 than the farmer's cheese?

25 A. Could you rephrase your question.

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2 Q. Sure. You testified that Jes made
3 farmer's cheese labels for you at the
4 beginning.

5 A. Right.

6 Q. Other than farmer's cheese, did Jes
7 make any other product labels for you with the
8 name Babushka's Recipe?

9 A. Yes. They made labels for the
10 various types of yogurt cheeses.

11 Q. And what types of yogurt cheese were
12 those?

13 A. Everything starting with the
14 original yogurt cheese and down the line of
15 Heini's assortment of yogurt cheeses, the main
16 sellers. That would be vegetable, herb and
17 garlic, original, I think we started with four,
18 and in addition to that we at a later point
19 decided to make a label for the Havarti cheese,
20 yogurt Havarti cheese, also under Babushka's
21 Recipe label.

22 Q. Do you remember when you first
23 started selling each of those types of
24 products?

25 A. We started selling them in 1997.

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2 MR. FRIEDMAN: I am objecting to
3 form.

4 MR. THOMPSON: Okay.

5 Q. Do you recall when you first started
6 selling the plain yogurt cheese under the
7 Babushka's Recipe?

8 A. That never took off. Can I explain
9 why?

10 Q. Sure.

11 A. We created the labels but what
12 happened in the interim, Lisa Troyer, one of
13 the principals of Heini's, decided that she is
14 granting us exclusivity, which allowed us
15 instead of creating all of this under
16 Babushka's Recipe, to carry the product under
17 her original label, and we decided to do that
18 rather than put Babushka's Recipe on every one
19 of her original products, and we stuck only
20 with the Havarti yogurt cheese on the
21 Babushka's Recipe, but the labels were produced
22 so that we could use her product without
23 interrupting her relationship at that time with
24 some of the other distributors that she had.

25 THE WITNESS: You will read the

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2 record.

3 Q. Do you remember when you first
4 started selling vegetable yogurt cheese with
5 the Babushka's Recipe label?

6 A. I don't think we sold Babushka
7 yogurt cheese, vegetable yogurt cheese under
8 Babushka.

9 Q. How about garlic and herb?

10 A. Also not.

11 Q. Smoked yogurt?

12 A. Smoked yogurt, yes, and original,
13 yes, and Havarti yes.

14 MR. FRIEDMAN: Can I ask what the
15 witness is looking at?

16 Q. What are you looking at?

17 A. Vegetable yogurt cheese --

18 MR. FRIEDMAN: The exhibit is --

19 Q. 206?

20 MR. FRIEDMAN: 206 and 210.

21 A. Should I close it?

22 Q. No, because I was going to ask
23 you --

24 MR. FRIEDMAN: It's just that if you
25 are looking at a document while testifying,

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2 it's appropriate to make that clear on the
3 record what you are looking at.

4 THE WITNESS: Okay.

5 MR. THOMPSON: And it certainly is
6 appropriate for everyone to know what you
7 are looking at so we can all look at the
8 same thing at the same time.

9 THE WITNESS: Okay.

10 Q. Now, with respect to this document,
11 I believe you are looking at the page that has
12 a Bates number GOLD 0210 in the lower
13 right-hand corner?

14 A. Right.

15 Q. It indicates there that there were
16 labels -- first, let me ask you, do you
17 recognize this page that bears the Bates number
18 0210?

19 A. No.

20 Q. Is that your handwriting on that
21 page?

22 A. No.

23 Q. Do you have an understanding of what
24 this page is?

25 A. I believe this is a handwritten

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2 order that was given to the printer or taken by
3 the printer.

4 Q. Would you have an understanding of
5 when that order was taken?

6 MR. FRIEDMAN: Note my objection.

7 A. It states -- the dates that are
8 stated here are 4-7-1998 for 7,000 labels and
9 my name is next to that order, and then it says
10 4,000 original yogurt, 1,000 smoked yogurt,
11 1,000 garlic and herb, and 1,000 vegetable
12 yogurt labels and, again, my name is next to --
13 above that description, and right below it is a
14 date of 4-21-99, 10,000 labels of the same
15 products, the same products in different
16 quantities.

17 Q. Now, I believe you testified that
18 you didn't actually sell the garlic and herb or
19 the vegetable yogurt under the Babushka's
20 Recipe; isn't that right?

21 A. No, I said I didn't sell the herb
22 and garlic, but I did sell vegetable, smoked
23 and original and Havarti, four flavors.

24 Q. With respect to the garlic and herb
25 then, do you know why there would be two orders

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2 for garlic and herb if you didn't actually sell
3 the product?

4 A. Good question. No, I don't have an
5 explanation for that.

6 Q. Do you have a recollection of how
7 the product was selling, how widely the product
8 was selling, for example the original yogurt
9 cheese in the 1998 time frame?

10 A. It was one of the most popular items
11 that we had and following that item the second
12 most popular item was the smoked yogurt cheese,
13 and then we had --

14 MR. FRIEDMAN: I am objecting to
15 this. There is, I think, not an adequate
16 time frame being given.

17 MR. THOMPSON: I believe -- could I
18 have the question read back. I believe I
19 put it in April '98 time frame.

20 (Record read.)

21 MR. FRIEDMAN: Original yogurt
22 cheese?

23 MR. THOMPSON: Original yogurt
24 cheese in the 1998 time frame.

25 MR. FRIEDMAN: So we are talking

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2 about original yogurt cheese?

3 MR. THOMPSON: Yes.

4 A. Under Babushka's Recipe.

5 Q. And those original yogurt cheeses
6 were sold under the Babushka's Recipe?

7 A. Right.

8 Q. Did you sell any original yogurt
9 cheese under any other label at that time?

10 A. No.

11 Q. So if you have a sale -- when you
12 refer to a sale of original yogurt cheese, that
13 would have been in the Babushka's Recipe
14 original yogurt cheese?

15 A. Right.

16 Q. Do you remember who some of your
17 earlier customers were for those products?

18 A. I would say that every major --
19 major meaning every meaningful volume-wise
20 customer that we had was purchasing product
21 from us at the time.

22 Q. Now, do you remember when you first
23 started selling the farmer cheese with the
24 Babushka's Recipe label on it?

25 A. I would say it was 1998.

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2 Q. Can you tell me who manufactured
3 that farmer cheese for you?

4 A. Queensboro Farms.

5 Q. And have they continued to
6 manufacture farmer cheese for you under that?

7 A. Yes. Yes, they have.

8 Q. Can you tell me the circumstances
9 under which Queensboro began to market that
10 product for you -- excuse me, to manufacture
11 that product for you?

12 MR. FRIEDMAN: This is farmer's
13 cheese?

14 MR. THOMPSON: Farmer cheese, yes.

15 A. We actually approached Queensboro.
16 We were introduced to Queensboro by our
17 insurance agent who happened to know the
18 principal of Queensboro, Butch Miller. We had
19 a machine that was used in production of this
20 specific type of cheese. I will have you know
21 that there is not so many companies in this
22 country that have this machine. It's a very
23 unique machine. We owned a machine like that.
24 We bought it from a failed dairy plant and we
25 had this machine in our possession and this

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2 machine was provided to Butch Miller's company
3 to recreate -- to recreate what was known in
4 the market as Tvorog, farmer cheese, and the
5 sample that was used was the Friendship farmer
6 cheese, which is sold widely in all the stores
7 and delis in New York. So this was, I would
8 say, either '97 or early '98 when we gave the
9 machine to Queensboro Farms and they started
10 manufacturing this product for us and the
11 agreement was that they would only make this
12 product for Gold Star being that they were
13 making the product on the machine that we
14 provided and did not get paid for. We just
15 contributed the machine to Queensboro Farms.

16 Q. And at all times have you sold the
17 Queensboro-manufactured farmer cheese under the
18 name Babushka's Recipe?

19 A. Yes, we did.

20 Q. How often do you order the farmer
21 cheese from Queensboro?

22 A. Once a week.

23 Q. And how much product do you order
24 once a week?

25 A. About a hundred cases of the 3 pound

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2 product and we used to buy from them the 1
3 pound product, we would buy 30 to 40 cases of
4 that product for a week, but we have
5 discontinued purchasing the 1 pound product
6 because it wasn't doing well in our market, so
7 we continued to sell and buy only the 3 pound
8 product.

9 Q. And have you continuously purchased
10 this product from Queensboro since that first
11 time?

12 A. Well, I would say that our official
13 volume was lower than that amount that I just
14 indicated. This is what we currently purchase
15 and sell.

16 Q. When the product arrives from
17 Queensboro, does it bear any labeling on it?

18 A. No, it doesn't.

19 Q. What happens to it once it reaches
20 Gold Star?

21 A. The label that is produced on the
22 printer which is in Gold Star is affixed to the
23 product that is being delivered by Queensboro.

24 Q. I will ask you to look at
25 Exhibit 115. I'm sorry, 117.

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2 A. Okay.

3 Q. Do you recognize this document?

4 A. Yes, I do.

5 Q. What is it?

6 A. It's the label that we currently use
7 for farmer cheese Tvorog on the Babushka's
8 Recipe label.

9 Q. How long have you been selling that
10 product with this label, with this label in
11 this format?

12 A. I would say since 1999, maybe 2000,
13 in this format.

14 Q. How did this format differ from any
15 prior format?

16 A. The machine that we had prior for
17 labels did not allow us to put an image on the
18 label, so we only used the words "Babushka's
19 Recipe" on it. There was no image.

20 MR. FRIEDMAN: Could you read the
21 last question and answer back for me,
22 please.

23 (Record read.)

24 Q. Now, I will ask you to look at what
25 has been previously marked as Respondent's 4,

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2 which is this. Can you first identify what
3 Respondent's 4 is?

4 A. I am looking at Gold Star catalog,
5 undated catalog, but I would say this is one of
6 our earliest catalogs.

7 Q. Do you know when that catalog came
8 into being?

9 A. I would say approximately '99, maybe
10 2000.

11 Q. And does that catalog contain any
12 Babushka's Recipe products in it?

13 A. Yes, it does.

14 Q. Could you, please, tell me where?

15 A. Okay. Page 20 of the catalog, item
16 number 42025 is Havarti yogurt cheese under
17 Babushka's label.

18 MR. FRIEDMAN: Could I ask for a
19 moment to locate this exhibit.

20 (Record read.)

21 Q. Is that it?

22 A. Oh, I'm sorry. Page 21, item 48001
23 is Babushka's Recipe homestyle butter.

24 MR. FRIEDMAN: What page?

25 THE WITNESS: 21.

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2 Q. That's the product depicted in the
3 upper right-hand corner?

4 A. That's right.

5 Q. Are there any others?

6 A. Page 22, item 41502 and 41501.

7 Q. Now, it appears that the product
8 41502 -- I'm sorry, first could you tell us
9 what kind of a product 41502 --

10 A. These are farmer cheeses produced by
11 Queensboro Farms and they were sold under
12 Babushka's Recipe designation.

13 Q. What sort of label did they have, if
14 any?

15 A. Well, they have a label that is
16 similar to the one that we have in Exhibit 117,
17 except it did not have the image of Babushka,
18 instead it had only the wording "Babushka's
19 Recipe," "Babushkin Retsept."

20 MR. FRIEDMAN: Can I have the
21 question and answer read back.

22 (Record read.)

23 MR. FRIEDMAN: Is there a number
24 that goes on with that?

25 MR. THOMPSON: I'm sorry? We had

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2 been referring to 41502 on page 22 of
3 Exhibit R 121 in black and white and R 4 in
4 the color.

5 MR. FRIEDMAN: Could I see the
6 color?

7 MR. THOMPSON: Sure.

8 Q. Now, on the label of the product as
9 you just described with the words "Babushkin
10 Retsept," did it include any English words as
11 well?

12 A. I believe so. It is customary for
13 Gold Star that any time we use the Russian
14 wording, to comply with the FDA regulations to
15 also include the transcription or the word in
16 English.

17 Q. Now, other than calling the product
18 Babushka's Recipe or Babushkin Retsept, are
19 there any other terms that Gold Star has used
20 to refer to this product?

21 A. Tvorog.

22 Q. That would be the farmer cheese?

23 A. Right.

24 Q. That's the type of cheese it is?

25 A. Right.

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2 Q. Are there any other translations of
3 the word that you have used to describe it?

4 A. Yes. You know, we have been using
5 the words "granny's recipe" to describe the
6 product.

7 Q. I will ask you to look at what's
8 been marked as Exhibit R 115. I will ask you
9 to look at that and let me know when you are
10 done.

11 A. I am done.

12 Q. Can you identify this document?

13 A. This is a Gold Star invoice dated
14 12-18-1998, invoice number 108538, and this is
15 for a customer New York International Store
16 located in Southfield, Michigan.

17 Q. And does this invoice show the sale
18 of any farmer cheese such as we have described?

19 A. Yes, it does.

20 Q. Could you tell me where?

21 A. Page 2 of the invoice, item under
22 product number MG05, 30.70 pounds, farmer
23 cheese, granny's recipe.

24 Q. And is that the product that you had
25 sold in or about December of 1998 under the

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2 name Babushka's Recipe?

3 A. Correct.

4 Q. Can you tell me why on the invoice
5 it's listed as granny's recipe rather than
6 Babushka's Recipe?

7 A. We had different staff, different
8 assistants working at different times at Gold
9 Star. Some of them were more Americanized,
10 some of them were students, and when they were
11 assisting me in putting together something like
12 descriptions for my products, they sort of did
13 some of the things using their own creativity
14 and imagination, so the word "granny's recipe"
15 was basically introduced by someone who was a
16 recent college graduate, Russian dissent. That
17 is the reason that we used "granny's recipe."

18 Q. Have you maintained that reference
19 to granny's recipe to this day?

20 A. On most of the products, yes, but we
21 have changed it on some.

22 Q. Is there any particular reason why
23 you would have selected some to change it and
24 others not to?

25 A. It depends on who is putting

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2 together the catalog.

3 MR. THOMPSON: I'm sorry,
4 Mr. Friedman, did you want to say
5 something?

6 MR. FRIEDMAN: I wanted to interpose
7 an objection to form. I am just a little
8 uncertain on which product did your
9 question relate to in terms of changing the
10 name.

11 MR. THOMPSON: Okay, well, let me
12 hear the question back, because I don't
13 remember it well enough to say.

14 (Record read.)

15 MR. THOMPSON: She had testified
16 that for some products they changed the
17 name, as I understood, to anglicize it and
18 some they didn't, and I was trying to
19 figure out why they would have picked one
20 or the other.

21 MR. FRIEDMAN: And I am just
22 objecting to form because I am not sure
23 which is which. You are very loosely using
24 some products change and others not change,
25 and since I'm not quite as familiar with

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2 Gold Star's products as you or Miss Pincow,
3 I am just a bit confused as to which
4 products they changed the name and which
5 they didn't.

6 Q. Okay. Well, which products did you
7 change the name for; do you know?

8 A. Well, recently we went back and
9 forth between using the Babushka's Recipe
10 yogurt Havarti, we had it just as Havarti, now
11 we are using it as Babushka product and you see
12 the word "Babushka" now on more recent
13 invoices, because we needed to help the
14 customer identify that product in our catalog.
15 If I may --

16 Q. Please.

17 A. -- demonstrate.

18 Q. First state what you are looking at.

19 A. I am looking at Gold Star catalog
20 dated 2007.

21 Q. Which is Exhibit number --

22 A. Exhibit 118. Page 27, item 42025,
23 which bears Babushka's Recipe label which says
24 here "yogurt Havarti." If you look at the
25 items on the bottom of the page where it's

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2 listed, it says 42025 is yogurt Havarti, 7
3 pound loaf. Now, in order for our customer to
4 identify the product better, we are now calling
5 it Babushka Havarti in the invoices, for
6 example, and in our order sheet, but as of the
7 date of that catalog, it was still listed only
8 as yogurt Havarti.

9 Q. Would you be able to tell me on that
10 same page what name for the product is shown in
11 the picture of the product on that page?

12 A. The name on the product is Havarti
13 Yogurt Cheese. In Russian it says "Rossiyskiy
14 Sir Na Yogurt." The same label bears a
15 Babushka label and Babushka Recipe sign.

16 Q. I will ask you to look at the
17 documents that had been marked as Exhibit 116.
18 That's the large clipped thing right in front
19 of you. I will ask if you can look at that and
20 let me know what that is.

21 A. This is a number of invoices
22 generated by Gold Star. The one immediately in
23 front of me is dated 12-29-98, invoice number
24 109845, and all the subsequent invoices are of
25 earlier dates with the last one being 12-19-98,

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2 invoice number -- excuse me, 12-18-98, invoice
3 number 108548.

4 Q. Do you know if any of the products
5 listed on these invoices bore the trademark
6 Babushka's Recipe?

7 A. Yes, I do.

8 Q. Could you tell me which ones?

9 A. Farmer cheese, granny recipe.

10 Q. Where do you see that?

11 A. Looking at the invoice number
12 108548.

13 Q. Could you tell me the GOLD number at
14 the bottom?

15 A. GOLD number at the bottom is GOLD
16 0284. Okay. And the other items that were
17 sold under Babushka's Recipe would be cheese
18 yogurt loaf, cheese yogurt garlic loaf.

19 Q. That's on that same page?

20 A. Yes.

21 Q. Now, on the description it doesn't
22 indicate that those had the name Babushka; is
23 that right?

24 A. That's right.

25 Q. Do you know why it doesn't say

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2 Babushka there?

3 A. Well, the same reason that I just
4 described in my prior testimony, that we did
5 not necessarily use the word "Babushka" in the
6 description of the product on an invoice, but
7 the label that the product had would be the
8 Babushka label.

9 Q. Now, these documents counsel has
10 objected to as not having been produced earlier
11 in the proceeding.

12 As part of your duties were you
13 responsible for gathering documents in response
14 to the request for production?

15 A. Yes.

16 Q. Could you please tell me what you
17 did when you first got that request.

18 A. I started the search for any and all
19 documents concerning the case. We had gone
20 through all of our cabinets and files in the
21 immediate vicinity, which is the 570 Smith
22 Street address. Then we decided we needed to
23 check our archives and we went into the 250
24 Lorraine Street, the adjacent building, to see
25 what we had there, and since we do keep seven

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2 years of records that have to do with invoices,
3 orders and things of that nature, that room is
4 completely filled with boxes from floor to
5 ceiling and it was not an easy task. We
6 literally had to pull out a lot of shelves and
7 cabinets and, you know, trying to find the
8 boxes that were designated 1998 or 1997, but we
9 realized that a lot of that material has
10 already been disposed of, because we want --
11 you know, when we started the search for the
12 documents, they were no longer available in the
13 archives. Now -- may I continue?

14 Q. Please.

15 A. The reason we found these so late is
16 in the interim I had a request from an agency
17 called the Empire Zone which was making a
18 request of a similar nature that I needed to
19 find certain records from 1998 and 1997 and we
20 searched our archives again and we found one
21 box of documents that related to our invoices
22 and that is what you have here. We were only
23 able to find this one box that was designated
24 as December 1998. So what I did, I pulled out
25 of that box the invoices that related to this

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2 subject matter and that is the reason that you
3 have them so late. If I may add, the issue
4 with the Empire Zone started sometime late
5 August of this year. They asked us to find
6 these documents so we could be reinstated and
7 that is what created the second search of
8 documents. So as soon as I found them I gave
9 them to you.

10 Q. Now, with respect to the document
11 marked 115, tell me again to whom that invoice
12 was directed.

13 A. New York International Store in
14 Southfield, Michigan.

15 Q. And can you tell me who the
16 principal is of New York International?

17 A. Vladimir Krasnov.

18 Q. Do you know of your own knowledge
19 how long Mr. Krasnov's store has been a
20 customer?

21 A. Mr. Krasnov initiated his business
22 just about the time that I started working
23 there, which would be like 1995, 1996 time
24 frame.

25 Q. Has that business continued to buy

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2 products from Gold Star throughout this period?

3 A. Yes.

4 Q. Now, with respect to Exhibit 115,
5 which I believe we have already established
6 shows a sale of the farmer's cheese on it --

7 A. Right.

8 Q. -- do you know of your own knowledge
9 whether Mr. Krasnov's store has continued to
10 purchase products bearing the name -- start
11 that over.

12 Do you know of your own knowledge
13 whether Mr. Krasnov's store has purchased
14 continuously dairy products bearing the name
15 Babushka's Recipe?

16 A. Yes, sir.

17 Q. Who is the individual at Gold Star
18 with responsibility, with the top line
19 responsibility for maintaining and reviewing
20 the documents in this case?

21 A. I am.

22 Q. And who is responsible for the
23 search of the records?

24 A. I was.

25 Q. In addition to looking through the

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2 boxes in the storage room on the Lorraine
3 Avenue premises, what, if anything, else did
4 you do to respond to the discovery request from
5 Four Seasons?

6 A. I have contacted my software
7 suppliers and asked them if there was any
8 possibility that they could resurrect the files
9 and the invoices that Gold Star had on backup
10 tapes from, you know, 1998, because we did find
11 the hard drive, I should say, the computer that
12 was used back then, but they told me that that
13 would be impossible because that version of the
14 system was no longer available even to them, so
15 that means that whatever information was
16 sitting on that hard drive in the backup form
17 would not be able to be resurrected by the
18 providers of the system. And, for the record,
19 I will state who the system is. It's a system
20 called Synchronics. I'll spell it for you,
21 S-Y-N-C-H-R-O-N-I-C-S. I think I did that
22 right. It's easier to spell Babushka's Recipe.
23 Synchronics is software that was initially
24 owned by Great Plains and is currently owned by
25 Microsoft. We have used the system since 1996

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2 continuously updating every two to three years
3 to a new version of the same program.

4 Q. Did you make every effort you could
5 at that time and continuing to today to gain
6 access to these computer records?

7 A. Yes, sir.

8 MR. FRIEDMAN: When you say "that
9 time," can you put a time frame on that.

10 Q. From the time you were first asked
11 to look for the documents.

12 A. Yes.

13 Q. In addition to looking through your
14 corporate records that were available to you
15 and to contacting Synchronics, did you take any
16 other steps to respond to the document requests
17 received from Four Seasons?

18 A. I have contacted every person that I
19 remember to be involved, you know, with the
20 creation of Babushka's Recipe, with the
21 printing of the label, with catalog
22 manufacturing, production, printing, in order
23 to prove the point that we have been involved
24 and selling and distributing Babushka's Recipe
25 product for a long time, I would say quite

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2 possibly starting 1997.

3 Q. Could you identify any individuals
4 with whom you spoke?

5 A. I spoke to Irina Lubenskaya, Dan
6 Bartolomeo, I spoke to the printer who did our
7 catalog, this catalog, this first catalog.

8 Q. For the record, that's
9 Respondent's 4 that you were holding.

10 A. Right. Should I state --

11 Q. Whenever you pick up or touch a
12 document.

13 A. Exhibit 4, Respondent's Exhibit 4.

14 Q. I'm sorry, please continue.

15 A. And, again, you know, contacted
16 Synchronics, we contacted the company that
17 handled Gold Star account prior to Synchronics.
18 Meaning we had two different dealers handling
19 with us who sold us the Synchronics software.
20 I spoke to both of them. And this was all done
21 in an effort to produce the documents to prove
22 the timing point of the usage of Babushka's
23 Recipe.

24 Q. Could you please tell me when you
25 first started dealing -- can you please tell me

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2 have you been dealing with Bunker Hill Cheese?

3 A. Yes.

4 Q. When did you first start dealing
5 with them?

6 A. 1998.

7 Q. And what was the circumstances under
8 which you first started dealing with Bunker
9 Hill Cheese?

10 A. We were interested in purchasing
11 yogurt cheeses from Bunker Hill. We were
12 already distributing yogurt cheese from a
13 competitor of Bunker Hill, but the product was
14 not coming in the volume that we needed and I
15 approached Lisa Troyer trying to convince her
16 to sell the product to Gold Star, at which
17 point she told me that she couldn't because she
18 had other Russian distributors and there were
19 already one too many, but she would be willing
20 to sell me other products in the yogurt cheese
21 family.

22 Q. And what type of products in the
23 yogurt cheese family did she agree to sell you?

24 A. She agreed to sell me flavored
25 products, such as vegetable yogurt cheese and

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2 smoked yogurt cheese. She also agreed to sell
3 me a product that contained more cream and they
4 called it butter cheese and we called it
5 Havarti yogurt cheese.

6 Q. When did you first start buying
7 products from Bunker Hill Cheese that you
8 eventually sold under the Babushka's Recipe
9 label?

10 A. 1998.

11 Q. Since that time have you
12 continuously bought such products from Bunker
13 Hill Cheese?

14 A. Yes.

15 Q. And since that time have you
16 continuously applied labels to them with the
17 label Babushka's Recipe?

18 A. No. The answer is no. We continued
19 to apply Babushka's Recipe label on some and
20 stopped applying Babushka's Recipe on others,
21 and, to be exact, we stopped applying
22 Babushka's Recipe label on the original yogurt
23 cheese, smoked, vegetable, and herb and garlic,
24 and the reason for that is that as the time
25 went on and Lisa got hurt by Beluga Caviar, she

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2 decided to grant Gold Star exclusivity for her
3 line of products and since that line of
4 products under her brand name was very well
5 known to the Russian market, we decided to give
6 up on the private labeling using Babushka's
7 Recipe and use her branded product.

8 Q. Do you know when that was?

9 A. I would say that was somewhere in
10 the vicinity of '99, 2000.

11 Q. Have you then continuously sold her
12 labeled products in that niche market for those
13 products?

14 A. Yes.

15 MR. FRIEDMAN: Object to form. When
16 you say "her" branded product, I don't know
17 what that means.

18 Q. By "her" I meant -- who did you
19 understand me to mean by "her"?

20 A. Heini's, Bunker Hill.

21 MR. FRIEDMAN: Which one? Heini's,
22 Bunker Hill, what brand?

23 A. Bunker Hill is the corporate name.
24 Heini's is the brand. Bunker Hill Cheese is
25 the corporate name of Lisa Troyer's company.

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2 Heini's is the brand that they use on their
3 products.

4 MR. FRIEDMAN: So if I may, at some
5 point International Gold Star decided to
6 give up the Babushka's Recipe name for
7 certain yogurt cheeses --

8 THE WITNESS: True.

9 MR. FRIEDMAN: -- that were
10 manufactured by Bunker Hill?

11 THE WITNESS: True.

12 MR. FRIEDMAN: And instead to use
13 the Heini's brand on it.

14 THE WITNESS: True.

15 MR. FRIEDMAN: And what period of
16 time was that?

17 THE WITNESS: Are we switching with
18 you?

19 MR. FRIEDMAN: If I am going too
20 far, I will stop.

21 THE WITNESS: No, let's do this.

22 MR. FRIEDMAN: I don't want to
23 interrupt your exam.

24 MR. THOMPSON: I have no problem.
25 We are trying to get to the facts.

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2 Whatever you want to ask right now on that
3 topic and then I will take back over.

4 MR. FRIEDMAN: If you could just
5 answer that question.

6 THE WITNESS: Say that again.

7 MR. FRIEDMAN: At what period of
8 time did you switch from Babushka's Recipe
9 to Heini's?

10 THE WITNESS: I think it was
11 somewhere between '99 and 2000.

12 MR. FRIEDMAN: And you have
13 continued until this day or you then
14 stopped?

15 THE WITNESS: I continued on those
16 four flavors that I just mentioned;
17 original, herb and garlic, smoked and
18 vegetable under Heini's label.

19 BY MR. THOMPSON:

20 Q. Now, are there other products that
21 you have bought from Bunker Hill that you have
22 continued to sell to this day with the
23 Babushka's Recipe label?

24 A. The Havarti yogurt cheese. That's
25 the item that I continuously bought under

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2 Babushka label from Heini's and the product was
3 always with the name Babushka's Recipe.

4 Q. So since 1998 when you first started
5 selling products -- dairy products under the
6 name Babushka's Recipe, I just want to make
7 sure I understand, you have continuously sold
8 Havarti yogurt cheese manufactured by Bunker
9 Hill Cheese; is that right?

10 A. Yes.

11 Q. And also continuously sold farmer
12 cheese manufactured by Queensboro Farms?

13 A. Yes.

14 Q. Are there any other products that
15 you have been selling since 1998 until today
16 that are dairy products sold under the
17 Babushka's Recipe name?

18 A. Not until today, but in 1998, which
19 would be the butter, the Babushka's Recipe
20 butter. We discontinued selling that item, so
21 we no longer carry that item in our assortment.

22 Q. Now, we have seen previously some
23 UPC codes with the name Babushka's Recipe on
24 them. Do you remember that?

25 A. Yes.

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2 Q. Do you know who made those UPC codes
3 for you?

4 A. The UPC codes were generated
5 internally and then they were provided to the
6 designer or printer to be affixed onto the
7 label.

8 MR. FRIEDMAN: Can I ask a question?

9 MR. THOMPSON: Yes

10 MR. FRIEDMAN: You say you saw some
11 UPC codes --

12 MR. THOMPSON: I was looking for
13 them right now.

14 Q. I will ask you to look at
15 Exhibit P 206. That's Petitioner's 206.

16 A. Okay.

17 Q. Starting at page 213 and continuing
18 to 223, are those the UPC codes that you
19 mentioned?

20 A. Yes.

21 Q. So it's your testimony that you
22 generated these initially and then sent them to
23 the label designer?

24 A. That's right.

25 Q. So that would have been to

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2 Ms. Lubenskaya?

3 A. Right.

4 Q. Do you know when you sent those to
5 her?

6 A. Around the time that the labels were
7 created, so I don't know if we sent them to her
8 in July of '97 or at a later point.

9 Q. Well, if you look at Petitioner's
10 206, the documents 213 through 223, on the
11 bottom line it has a date of 12-29-97.

12 A. Okay, I see it.

13 Q. Does that help refresh your
14 recollection of when you sent those --

15 A. I would assume Irina received those
16 UPC codes somewhere around the time that she
17 created the label, so that would be the
18 approximate date.

19 MR. FRIEDMAN: Note my objection.

20 MR. THOMPSON: On what grounds?

21 MR. FRIEDMAN: We are testifying
22 based on assumption.

23 MR. THOMPSON: I was attempting to
24 refresh her recollection.

25 A. If I may add, that any time we

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2 create a private label with any one particular
3 designer, when we have reviewed and seen the
4 final version of the design, at that point, at
5 that very last point we provide the designer
6 with our UPC code. Sometimes the designer is
7 not provided a UPC code but the printer is
8 because he is going to be the last link, if you
9 will, from the production of the label.

10 Q. Now, do you remember -- I believe
11 you testified that Gold Star makes its own
12 labels for the farmer cheese product?

13 A. Yes.

14 Q. Do you know from whom you have
15 purchased those labels?

16 A. Glenroy.

17 Q. I'm sorry?

18 A. The name of the company is Glenroy,
19 I believe.

20 Q. And have you been continuously
21 buying it from them since that time?

22 A. I think we have continuously worked
23 with Glenroy, but it's not inconceivable
24 that -- I know for a fact that we changed the
25 machines a few times. I'm not sure that

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2 Glenroy was the same company that gave us the
3 prior machine, the prior printing machine for
4 the labels.

5 Q. And they have supplied you then with
6 the labels to feed their own machines, so to
7 speak?

8 A. That's true.

9 MR. THOMPSON: Take a five-minute
10 break.

11 (Recess was taken from 3:57 to
12 4:18.)

13 BY MR. THOMPSON:

14 Q. We had earlier marked today
15 documents Petitioner's 208 and 209. Could you
16 please identify those documents?

17 A. Document 208 is a standard type of a
18 flyer, sale sheet, that is produced by Gold
19 Star on an ongoing basis for various products
20 that it sells, and this is the standard
21 approach that we use in promoting the items
22 that we have either as new items or items on
23 sale or exclusive items.

24 Q. Okay. And can you tell me for
25 Exhibit 208 what product is being promoted

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2 there?

3 A. The product that's being promoted is
4 Babushka's Recipe homestyle butter. It's a 5
5 pound loaf or log which bears Babushka's Recipe
6 design and it's our item number 48001. It
7 says -- the top of the page bears International
8 Gold Star Trading's information, the address
9 and the logo, and right below it in Russian it
10 states "exclusive from Gold Star." Well, the
11 words "Gold Star" are in English, but the word
12 "exclusive" and "from," those two words are in
13 Russian.

14 Q. Are you able to identify when this
15 document was produced?

16 A. Unfortunately, not.

17 Q. Are you able to identify anything
18 about it that would give you any way of giving
19 it any context in terms of its timing?

20 A. Well, the document that was attached
21 to this that's your Exhibit 209 is a document
22 that was distributed alongside of this
23 document -- by "this document" I am referring
24 to 208, and these are basically our two sale
25 sheets that are going out at the same time to

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2 all of our customers, and the only way that I
3 could estimate the time of this flyer is by
4 looking at the other items that are listed here
5 and based on what I am seeing and knowing when
6 some of these items were imported and shipped
7 by Gold Star, I would say that the timing of
8 this document was somewhere in the vicinity of
9 '99, 2000.

10 Q. And on what do you base that
11 conclusion?

12 A. On the type of products that are
13 listed in 209, the items that we are doing --
14 that we have on close-out sale and the items
15 that we are promoting in our grocery section,
16 and I am referring to in beverages Saint Spring
17 mineral water and in groceries there is three
18 products there listed with the brand name
19 Veres, so I am basing that on approximate time
20 that I started importing these lines.

21 Q. Can you tell me where you acquired
22 the homestyle butter that is shown in
23 Exhibit 208?

24 A. I believe I acquired it from Bunker
25 Hill Cheese.

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2 MR. THOMPSON: I will have marked as
3 a collective exhibit documents that bear
4 the Bates production number GOLD 0027
5 through GOLD 0033 and once the reporter has
6 marked it as Exhibit 124, I will ask you to
7 take a look at it.

8 (Registrant Exhibit 124, Gold Star
9 Smoked Fish invoices, Bates stamped GOLD
10 0027 through GOLD 0033, marked for
11 identification.)

12 Q. Just let me know when you have
13 finished looking through that.

14 (Document review.)

15 A. Okay.

16 Q. Can you please identify what those
17 documents are?

18 A. These are Gold Star invoices dated
19 1-15-99 -- the first one that I am looking at
20 is page 1 dated 1-15-1999, invoice number 11499
21 sold to Health Food International in
22 Philadelphia.

23 Q. And what products are on there?

24 A. The products that are on here are,
25 you know, standard assortment of Gold Star

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2 products starting with fish and going into
3 cheeses, frozen products, deli meat products
4 and that's it.

5 Q. Are there any products shown on this
6 invoice that would have born the Babushka's
7 Recipe trademark?

8 A. Yes. Item MG05, 6 pound farmer
9 cheese, granny's recipe.

10 Q. Do you see any other products that
11 are listed on any of the other pages of
12 Exhibit 124 that would have born the name
13 Babushka's Recipe?

14 A. Next page of the exhibit, invoice
15 date 1-15-99, invoice number 111513, sold to
16 Rodeo Food Distribution in Los Angeles,
17 California, there is an item cheese yogurt loaf
18 which would have had the Babushka's Recipe
19 label on it.

20 Q. And where would Gold Star have
21 purchased that product?

22 A. From Bunker Hill Cheese.

23 Q. Are there any others?

24 A. Not on this page. On the following
25 page, Misha's Deli, invoice date 1-20-99,

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2 invoice number 111798, we have an item MG05,
3 15.8 pounds of farmer cheese, granny's recipe.

4 And the page following Natalie's
5 International Food in Vermont -- excuse me,
6 Brooklyn, New York, invoice date 1-20-99,
7 invoice number 111831. This has our butter,
8 item number MA18, 5 pounds, listed on the
9 invoice as butter Amish and sold in 5 pound
10 roll, but this is the item that we have as an
11 item with the Babushka's Recipe label. Okay.

12 The next invoice is invoice number
13 111934, date 1-21-99, the customer is Nabeel's
14 Imported Foods in Homewood, Alabama, and this
15 invoice shows an item MG05, farmer's cheese,
16 granny's recipe, 9.3 pounds.

17 Okay. The next page we have invoice
18 number 165282, invoice date 10-10-00, which
19 would stand for the year 2000, and this is an
20 invoice to Utica Gastronome in Utica, New York,
21 and here we have under MG05 farmer cheese,
22 granny recipe, 30.5 pounds.

23 And lastly, an invoice dated
24 5-15-2001, invoice number 185530, an invoice to
25 Kalinka Deli in Florida, Sunny Island, Florida,

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2 and under item number 41501 is farmer cheese,
3 granny's recipe, 33 pounds even. That
4 concludes 124.

5 MR. THOMPSON: The next exhibit -- I
6 will point out for the record that
7 Exhibit 124 has been marked as commercially
8 sensitive. The information that we just
9 pulled off of it I don't necessarily
10 consider to be sensitive as we discussed
11 it, so I didn't object to your clients
12 being in the room, but I am going to
13 introduce another document where the
14 information would be trade secret, so --

15 MR. FRIEDMAN: You would like them
16 to leave the room?

17 MR. THOMPSON: If you wouldn't mind.

18 MR. FRIEDMAN: Just for a few
19 minutes, if you would step out. This is
20 information that they consider to be a
21 trade secret.

22 (Mr. Bekker and Mr. Kessler exit.)

23 MR. THOMPSON: Off the record.

24 (Discussion off the record.)

25 (Registrant Exhibit 125, spread

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2 sheets, Bates stamped GOLD 0018 through
3 GOLD 0026, marked for identification.)

4 BY MR. THOMPSON:

5 Q. We are going to hand to you,
6 Ms. Pincow, another set of documents that we
7 have had marked as Registrant 125 bearing
8 production numbers GOLD 0018 through 0026, and
9 after you have had a chance to look at it,
10 please let me know so I can ask you some
11 questions.

12 A. Okay, I have looked at it.

13 Q. Could you please identify for me
14 what those documents are?

15 A. These are documents generated from
16 our computer system. Based on the fact that it
17 says "Gold Star 2001" I assume that this is the
18 version of our system that was purchased in
19 2001. And then what it does, it gives you a
20 year, date and month -- excuse me, year and
21 month information on the quantity sold of a
22 specific item, specific product. The first
23 page is referring to item number 38001, which
24 is Tushonka under Babushka's Recipe label, and
25 Tushonka is actually a roast beef in its own

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2 juice, and it shows the quantity of product
3 that is sold, and since I know that this
4 product was sold in cases, so all the numbers
5 that you see here are the quantities of cases
6 per month on a yearly basis starting with 2001
7 and ending with 2006. Next page --

8 MR. FRIEDMAN: May I just ask a
9 quick question.

10 MR. THOMPSON: Sure.

11 MR. FRIEDMAN: The three digits to
12 the right of the decimal points, what does
13 that signify?

14 THE WITNESS: Nothing. If we were
15 selling something in pounds and it was --
16 it would require digits, because it would
17 not be an even number, then you would see
18 point decimals and so on.

19 MR. FRIEDMAN: So that --

20 THE WITNESS: That's only space for
21 a defined quantity.

22 MR. FRIEDMAN: So under the first
23 entry under 2001, 1,848.000, does that mean
24 1 thousand --

25 THE WITNESS: 1,848 cases.

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2 BY MR. THOMPSON:

3 Q. Do you see any dairy products
4 identified in Exhibit 125?

5 A. Yes. It would be the last four
6 pages of this exhibit disclose the quantity
7 sold for cheese yogurt under Babushka's label
8 and farmer cheese under Babushka label.

9 Q. And can you please tell me during
10 what time periods these sales figures reflect
11 sales?

12 A. They reflect sales from the year
13 starting with January of 2001 and ending with
14 December 2006 for item 42025, and then we have
15 a continuation for the same item which shows
16 sales of 2002 through 2007. I would say May
17 2007.

18 Q. Do you know why it stopped in May of
19 2007?

20 A. Well, the system allows us to print
21 only so many columns in the report, so in order
22 to give you the years subsequent 2006, we had
23 to run it in this format, but you could see
24 that the numbers reconcile, so, for example,
25 for the year 2006 the total quantity sold was

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2 REDACTED and that would be the same as you see
3 on the prior page where it ended with the year
4 2006.

5 Q. Now, the first year listed is 2001.
6 Do you know why it did not have any records
7 from earlier than 2001?

8 A. The system that we have is such that
9 when we buy a new version, we sort of start
10 from scratch, so everything that was prior is
11 being -- I don't want to say erased, but is
12 being replaced by the new version of the
13 system, so, you know, if you ask me can I
14 obtain for you numbers out of the system that
15 go beyond 2001, the answer is I could not. My
16 prior part of the testimony was that with every
17 version of the software we basically lose the
18 data of the prior periods and we start from
19 scratch.

20 Q. So it's your testimony then that the
21 computer system that you were operating on as
22 of the date these reports were generated had no
23 information on any product you sold prior to
24 2001?

25 A. That's correct.

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2 MR. FRIEDMAN: Just note my
3 objection.

4 Q. Now, there are two types of dairy
5 products that you have identified here, the
6 cheese yogurt Babushka's and the farmer cheese
7 Babushka's; is that right?

8 A. Right.

9 Q. Are those the two products that you
10 previously identified as having been provided
11 by Bunker Hill?

12 A. No. Farmer cheese --

13 MR. FRIEDMAN: I'm sorry. Could you
14 just read that back to me.

15 MR. THOMPSON: I got it wrong
16 anyway, so it doesn't matter.

17 Q. Who is the supplier of the cheese
18 yogurt Babushka's?

19 A. Bunker Hill Cheese.

20 Q. And the farmer cheese Babushka?

21 A. Queensboro Farms. You are tired.

22 Q. It is the end of a very long day.

23 MR. FRIEDMAN: Can you give that to
24 me again. The cheese yogurt is Bunker
25 Hill?

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2 MR. THOMPSON: Right, and the farmer
3 cheese is Queensboro.

4 Off the record.

5 (Discussion off the record.)

6 BY MR. THOMPSON:

7 Q. The documents indicate that you had
8 made sales in every month of 2001 through May
9 of 2007; is that correct?

10 A. Well, this report reflects what we
11 did up until 2007. That does not mean that we
12 stopped selling the product in 2007.

13 Q. I understand. Do you know if you
14 have continued to sell these products past the
15 date these documents were created in May of
16 2007?

17 A. Yes, I do.

18 Q. And have you been selling the
19 product?

20 A. Yes, I have.

21 Q. The quantities sold as reflected in
22 the document 125 represents, as I understand
23 it, the amount of cases sold, not the amount of
24 dollars sold; is that correct?

25 A. Quantity. It's quantity. So it

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2 would be either cases or pounds. In the case
3 of farmer cheese it's pounds, in the case of
4 farmer cheese Babushka it's pounds, pounds
5 sold.

6 MR. FRIEDMAN: I'm sorry, I believe
7 the witness said farmer cheese for both
8 examples.

9 A. No, I said farmer cheese and yogurt
10 cheese, Babushka's. Okay. Let's start over.

11 Q. You are tired too.

12 A. I'm okay. I thought you said
13 both -- you mentioned both cheeses. You said
14 42505, which is the cheese, the yogurt cheese,
15 right, and you said farmer cheese, so I went
16 off the item number and the name of the next
17 product. I'm still sharp.

18 Q. But the point is that you have been
19 continuing to sell these two products past the
20 date of these reports?

21 A. Yes.

22 MR. THOMPSON: That's all I am going
23 to ask about this if you want to have your
24 clients come back.

25 (Mr. Bekker and Mr. Kessler enter.)

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2 Q. As part of your duties, Ms. Pincow,
3 are you responsible for maintaining employment
4 records?

5 A. Yes.

6 Q. Could you please tell me if
7 subsequent to the deposition on Tuesday were
8 you asked to look for any documents relating to
9 employment records from Gold Star?

10 A. Yes.

11 Q. What did you do in response to that
12 request?

13 A. First I checked the employee files
14 that we have and the second thing I did is call
15 Accudata Payroll, the company that provides
16 Gold Star with payroll services.

17 Q. Could I ask with respect to whom did
18 you ask these questions?

19 A. With respect to an employee of Gold
20 Star who has the position of warehouse manager,
21 Jacob Krumgalz.

22 Q. Could you tell me what documents, if
23 any, you were able to find?

24 A. I found the employee file for Jacob
25 Krumgalz.

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2 MR. THOMPSON: And I will show you
3 what I will ask the reporter to mark as
4 Exhibit 126, which will have the Bates
5 numbers GOLD 0303 through GOLD 0310, and
6 after she has marked it I will ask you to
7 look at it.

8 (Registrant Exhibit 126, Employee's
9 Personnel File for Jacob Krumgalz, Bates
10 stamped GOLD 0303 through GOLD 0310, marked
11 for identification.)

12 Q. Again, in response to the request
13 you said you looked through the records of Gold
14 Star. Could you just be more specific about
15 what you did and what you found in response to
16 the request?

17 A. I looked through the employee files
18 and I found an employee personnel file for
19 Jacob Krumgalz. I also called Accudata Payroll
20 and spoke to the person responsible for
21 research of documents, Mike Messina,
22 M-E-S-S-I-N-A, and asked him if he could
23 possibly resurrect documents on payroll for
24 1998, to which the reply was it was not
25 possible and the earliest available date would

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2 be late 2000. So the only document that I was
3 able to produce for Mr. Friedman is the
4 employee personnel file.

5 Q. Can you just briefly describe the
6 documents that are in that file.

7 A. The documents -- well, the file
8 cover is employee's personnel file that bears
9 Jacob Krumgalz's name on it, his Social
10 Security number and the date of employment
11 stated as 06-22-1998. The second page, or
12 should I say the first document in that file,
13 is a W-4 form dated 1998 which has
14 Mr. Krumgalz's home address and Social Security
15 number, which is signed by him, and it has Gold
16 Star's employer identification number as
17 112930052.

18 The second part of the file was
19 employees withholding allowance certificate
20 form, IT-2104, dated 1998 which bears
21 Mr. Krumgalz's name and address, his Social
22 Security number, his signature, and
23 international Gold Star's address and tax ID
24 number.

25 And the last -- should I say the

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2 last -- the next page is Form I-9 which is
3 bearing Mr. Krumgalz's information, personal
4 information, and states the documents that were
5 attached to the form, which include Certificate
6 of Naturalization and I guess that's it.
7 That's the main document that was provided. It
8 just shows here the document number and the INS
9 registration number.

10 The following page is what we call
11 an employee personnel data sheet which is an
12 internal document for Gold Star created by Gold
13 Star and again it shows Mr. Jacob Krumgalz's
14 personal information, his spouse's name, his
15 emergency contact phone number and his
16 signature as well as the date that the document
17 was signed, which is 6-19-1998. The next page
18 is a document that is in Russian and it says
19 Agreement, it's dated June 19, 1998, and
20 basically it states --

21 MR. THOMPSON: I will just state I
22 would like to keep the information -- I
23 hadn't produced it that way and I will
24 reproduce it as confidential insofar as it
25 contains Mr. Krumgalz's Social Security

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2 number and personal information.

3 Since I don't know what's in the
4 agreement, is there anything in there that
5 you would consider to be secret or do you
6 have an objection to letting Mr. Bekker see
7 it?

8 THE WITNESS: Well, I don't mind
9 Mr. Bekker sees it. I don't want
10 Mr. Friedman to judge me on the content of
11 this agreement.

12 MR. THOMPSON: If you want to
13 just --

14 THE WITNESS: I could briefly
15 translate it, if necessary.

16 MR. THOMPSON: But do you object if
17 Mr. Kessler looks on?

18 THE WITNESS: No, I don't.

19 MR. FRIEDMAN: This is actually
20 Mr. Bekker.

21 MR. THOMPSON: I'm sorry.

22 THE WITNESS: No, I don't object.

23 Q. If you can just give a quick
24 translation for the record.

25 A. Basically this document states that

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2 Mr. Krumgalz is taking on the responsibilities
3 of a manager and he is taking upon himself the
4 full financial responsibility for the products
5 that he is going to be dealing with since he
6 will be receiving and shipping the products
7 belonging to International Gold Star, and that
8 the employer has introduced them -- explained
9 to Mr. Krumgalz what his responsibilities are
10 and what are the rules and terms under which he
11 is being employed. It's a little overboard.

12 Q. And is there anything else in the
13 file?

14 A. The last two things are actual
15 copies of the actual documents for
16 Mr. Krumgalz, which would be his driver's
17 license, his Social Security number -- Social
18 Security card, I should say, and his
19 naturalization document.

20 Q. And were those all the documents you
21 were able to find relating to Mr. Krumgalz's
22 commencement of employment?

23 A. Yes.

24 MR. THOMPSON: What I will do then,
25 since you have had the opportunity to look

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2 at it, and if you want to continue to look
3 at the originals, you may do so, but
4 otherwise I would return the original
5 documents back to Miss Pincow for
6 maintenance in the corporate records and
7 continue to use the photocopies we have had
8 prepared.

9 MR. FRIEDMAN: I think it would be
10 fine to return the originals.

11 THE WITNESS: Thank you.

12 Q. Do you remember the first time -- I
13 will start this question over.

14 Are you familiar with the company
15 Four Seasons Dairy?

16 A. Yes.

17 Q. Do you remember the first time you
18 learned of Four Seasons Dairy?

19 A. I would say it was early 2002 or
20 2003.

21 Q. Do you remember the context in which
22 you first became aware of them?

23 A. I became aware of them through the
24 fact that they were distributing a product that
25 bore Babushkino butter type of product, and by

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2 virtue of learning about this product, my
3 husband and I decided to contact the principals
4 of Four Seasons for a meeting at Gold Star's
5 offices. The purpose of that meeting was to
6 request that they cease usage of the product
7 under the name Babushkino. We wanted to be
8 civilized and do this in an amicable manner and
9 we explained to the two principals that we own
10 the trademark for Babushka's Recipe and we
11 understand that the product that they are
12 making is different from the real butter that
13 we are selling, because they were marketing a
14 product that was a butter imitation or probably
15 like a margarine spread or butter spread, if
16 you wish, so we asked them to cease using it.
17 They basically were very cordial during the
18 meeting with us. They did not say they would
19 stop. And literally several months after that
20 meeting we received a letter from their
21 attorney requesting cancellation of our
22 trademark.

23 Q. Subsequent to the date of that
24 initial meeting did you have any further direct
25 contact with Four Seasons principals?

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2 A. No.

3 Q. Did you see any other of their
4 products in the marketplace?

5 A. Yes.

6 Q. What kind of products of theirs did
7 you see in the marketplace?

8 A. I've seen different cheeses that are
9 called yogurt cheeses under Amish branding,
10 labeling. I've seen a cheese called New
11 Salzberg cheese, I've seen a product called
12 Amish Lappi cheese, and a variety of spreadable
13 cheeses bearing different Russianized versions
14 of names, including and not limited to, you
15 know, things that have names of Russian origin.

16 Q. Have any of those products been
17 similar to products sold by Gold Star?

18 A. Yes.

19 Q. Could you be more specific?

20 A. I would start with products that
21 are, in my opinion, being fraudulently called
22 yogurt cheeses bearing marks of Amish horse and
23 buggy, and that would be a variety of yogurt
24 cheeses that they claim to be yogurt cheeses
25 made with Amish milk, as well as the product

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2 called New Salzberg, which is a spin-off on
3 Gold Star's Salzberg cheese, and a Lappi cheese
4 which is a spin-off on Valio's Lappi, which is
5 also a trademark product.

6 MR. FRIEDMAN: Can you read the last
7 answer back.

8 (Record read.)

9 Q. I will ask you to look at the
10 exhibits that are in front of you, particularly
11 the ones that are in the right paper envelope
12 on the right. Those are Exhibits 110, 111,
13 112.

14 MR. FRIEDMAN: While we are talking,
15 what was the number of the employee
16 personnel file?

17 THE WITNESS: 126.

18 Q. Look first at Exhibit 110. I ask if
19 you can identify that?

20 A. Exhibit 110 is a Cryovac --

21 Q. Just for the record, it's a
22 two-piece exhibit. There is the other part of
23 the label which got cut apart. We may need to
24 label that second piece as well.

25 A. Okay, so Cryovac or film or casing

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2 from a yogurt cheese bearing the words "yogurt
3 cheese semisoft part-skim cheese" with a
4 picture of a horse and buggy with the name
5 "Amish Gourmet" underneath and the words "made
6 from Amish milk" right below it.

7 Q. Is this one of the products you
8 referred to earlier?

9 A. Yes.

10 Q. Could you look at Exhibit 111,
11 please.

12 A. Exhibit 111 is a label with the name
13 "New Salzberg Cheese" which depicts a
14 mountainside which has the name -- excuse me,
15 which has the nutrition facts and the words
16 "part-skim milk, semisoft cheese" on top, and
17 ingredients listed and the words "manufactured
18 exclusively for Four Seasons Dairy, Brooklyn,
19 New York, 11204."

20 Q. And Exhibit 112?

21 A. Exhibit 112 is parchment paper with
22 the printing of a horse and buggy and the words
23 "Amish Country Roll Butter" in an oval shape
24 presentation and the words "Maslo Slivochnoye,"
25 which means in Russian butter, creamy butter.

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2 Again, it says "exclusively manufactured for
3 Four Seasons Dairy, Brooklyn, New York." On
4 top of the words "Amish Country" it says "made
5 from Amish milk." It has nutrition facts and
6 ingredients listed on the label.

7 MR. THOMPSON: I will ask the
8 reporter to mark as Exhibit 127 another
9 label.

10 (Registrant Exhibit 127, Amish
11 Lappi, Amish Gourmet label, marked for
12 identification.)

13 A. Okay, I have in front of me
14 Exhibit 127. It's a Cryovac of cheese called
15 Amish -- the word "Amish" and then the word
16 "Lappi," L-A-P-P-I. Right underneath the word
17 "Lappi" we have a picture of a horse and buggy
18 and right underneath "Amish Gourmet" and "made
19 from Amish milk, semisoft cheese, part-skim
20 milk," and then we have nutrition facts, and
21 again on the bottom of the label it says -- on
22 the very bottom of the label it says
23 "manufactured exclusively for Four Seasons
24 Dairy."

25 MR. THOMPSON: I'd like to break now

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2 and then see if I just have a few
3 last-minute questions for her tomorrow
4 after Mr. Bartolomeo and then turn her over
5 to you.

6 MR. FRIEDMAN: Very well.

7 MR. THOMPSON: Thank you,
8 Miss Pincow. We will reconvene tomorrow
9 after Mr. Bartolomeo's deposition.

10 (Time noted: 5:04 p.m.)

11
12
13 -----
14 GALINA PINCOW
15

16 Subscribed and sworn to before me
17 this day of 2008.

[illegible]

I, KRISTIN KOCH, a Notary Public within
and for the State of New York, do hereby
certify:

That GALINA PINCOW, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 22nd day of October, 2008.

KRISTIN KOCH, RPR, RMR, CRR, CLR

-----I N D E X-----

WITNESS	EXAMINATION BY	PAGE
GALINA PINCOW	MR. THOMPSON	4

-----EXHIBITS-----

REGISTRANT	PAGE	LINE
Exhibit 123 Amended Notice of Deposition of Galina Pincow.....	4	2
Exhibit 124 Gold Star Smoked Fish invoices, Bates stamped GOLD 0027 through GOLD 0033.....	58	8
Exhibit 125 Spread sheets, Bates stamped GOLD 0018 through GOLD 0026.....	61	25
Exhibit 126 Employee's Personnel File for Jacob Krumgalz, Bates stamped GOLD 0303 through GOLD 0310.....	70	8
Exhibit 127 Amish Lappi, Amish Gourmet label.....	80	10

ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: Four Seasons v. Gold Star

Dep. Date: October 16, 2008

Deponent: Galina Pincow

CORRECTIONS :

Pg.	Ln.	Now Reads	Should Read	Reason
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Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME

THIS _____ DAY OF _____, 2008.

(Notary Public) MY COMMISSION EXPIRES:_____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X		
FOUR SEASONS DAIRY, INC.,	:	Cancellation No. 92/042,082
	:	
Petitioner,	:	
	:	Mark: BABUSHKA'S RECIPE
v.	:	
	:	Reg. No. 2,479,287
INTERNATIONAL GOLD STAR	:	
TRADING CORP.,	:	
	:	
Registrant.	:	
-----X		

AMENDED NOTICE OF DEPOSITION OF GALINA PINCOW

PLEASE TAKE NOTICE that, pursuant to Rule 30(a)(1) of the Federal Rules of Civil Procedure, Registrant, Gold Star International Trading Corp. ("Gold Star"), will take the deposition of Galina Pincow of International Gold Star Trading Corp., 570 Smith Street., Brooklyn, NY 11231 in the above-captioned action, at the offices of Cohen Pontani Lieberman & Pavane, LLP, located at 551 Fifth Avenue, Suite 1210, New York, New York, before a person designated by Rule 28 of the Federal Rules of Civil Procedure, by stenographic and audiovisual means, commencing on October 16, 2008 at 11:00 a.m., and continuing thereafter from day to day until completed.

Four Seasons Dairy, Inc., Petitioner
v.
International Gold Star Trading Corp., Registrant
Cancellation No. 92/042,082

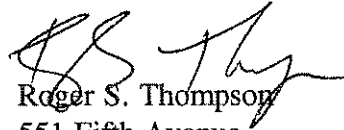
Registrant Exhibit 123

10/16/08

You are invited to attend and cross-examine.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

By


Roger S. Thompson
551 Fifth Avenue
New York, New York 10176
(212) 687-2770

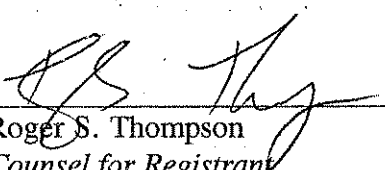
Dated: October 10, 2008

Attorneys for Registrant,
International Gold Star Trading Corp.

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, a true and correct copy of the foregoing Notice of Deposition was served by first-class mail, postage pre-paid, and by e-mail on counsel for petitioner, addressed as follows:

Samuel Friedman, Esq.
samfriedman@verizon.net
225 Broadway, Suite 1804
New York, New York 10007


Roger S. Thompson
Counsel for Registrant

October 10, 2008

Date



GOLD STAR means the BEST

GOLD STAR

SMOKED FISH

570 SMITH ST., BROOKLYN, N.Y. 11231
Tel. (718) 522-1545 • (718) 522-1546
Fax (718) 260-9194 Telex 177493 GOST UT

INVOICE

INVOICE DATE	INVOICE NO.	PAGE
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Four Seasons Dairy, Inc., Petitioner

v.
International Gold Star Trading Corp., Registrant
Cancellation No. 92/042,082

Registrant Exhibit 124 *KK*
10-1608

ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES PERSON	SHIP VIA	SHIP DATE	TERMS
		6773010	1	Pickup	01/15/99	COD

PRODUCT NUMBER	QUANTITY OR WEIGHT SHIPPED	DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
FJ05	~ 13.80	MACKEREL C/S	2.75	LB	37.95
25008	~ 6.00	ODESSA STYLE TULKA 16 OZ	2.25	EA	13.50
C014	~ 11.00	CANDY KOROVIKA 11 LB (PLND)	1.20	LB	13.20
KS02	~ 24.00	COOKIES SPAN. MARIA/24X100	.25	PC	6.00
63107	~ 22.00	COOKIES HAJALDRADA22/160g	.49	PC	10.78
CHC1	~ 18.30	CHEESE CANADA HAVARTI (SWI)	2.29	LB	41.91
MS22	~ 6.20	CHEESE GOUDA SMKD (CHEESL)	2.30	LB	14.26
BWM	~ 17.20	CHEESE MORSKI/KASZTELANSK	2.25	LB	38.70
MC05	~ 20.00	CHEESE CANADIAN STYLE 4/7	2.15	LB	43.00
MD05	~ 6.00	FARMER CHEESE "GRANNY'S RECIPE"	2.45	LB	14.70
P004	~ 18.00	PUFF PASTRY (TESTO) 18/1LB	1.15	PC	20.70
HAMD	~ 6.70	HAM OLD FASHION (EHMER)	3.20	LB	21.44
GERMW	~ 7.40	SAL GERM W-TE SKIN L (EHM)	4.30	LB	31.82
SOS	~ 2.00	SOSISKI LOW SALT V/P (HAVE)	2.30	LB	4.60
DOGH	~ 5.00	SOSISKI LOOSE (HAVEN)	2.30	LB	11.50
BACON	~ 6.20	BACON CANADIAN (SCHMALZ)	4.00	LB	24.80
ESTON	~ 8.60	ESTONSKAYA (GROEZINGER)	3.10	LB	26.66

Return # 111589
1-16 of
sosiski low salt V/P - \$200/-
broken V/P

PAID

\$200/-

ALL PERISHABLE PRODUCTS MUST BE KEPT REFRIGERATED AT ALL TIMES.
ALL FISH PRODUCTS MUST BE KEPT REFRIGERATED AT 38° OR BELOW

INVOICE TOTAL 375.52

FREIGHT .00

PRIOR BALANCE 1,234.9
Payment

TOTAL DUE 1,610

Received X _____ DATE ____/____/____
SIGNATURE

TRADE SECRET/COMMERCIALLY SENSITIVE MATERIAL
PRODUCED PURSUANT TO PROTECTIVE ORDER

GOLD0027



GOLD STAR MEANS THE BEST

GOLD STAR

570 SMITH ST., BROOKLYN, NY 11231

Tel. (718) 522-1545; Fax (718) 260-9194

e-mail: intl@goldstarco.com

www.goldstarco.com

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LOS ANGELES, CA 90019

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ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES PERSON	SHIP VIA	SHIP DATE	TERMS
		9367117	1	UNITED	01/15/99	BILL TO BILL

PRODUCT NUMBER	QUANTITY OR WEIGHT SHIPPED	DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
F001	1350.00	HERRING JUMBO 1/30 PCS	.89	PC	1,201.50
FJ05	700.00	MACKEREL C/S	2.25	LB	1,575.00
F004	80.00	SARDINES SALTED /1 X 4 LB	1.60	LB	128.00
V009	360.00	SHAD IN OIL 16 OZ JAR	2.50	PC	900.00
FG10L	50.00	BALIK GOLD C/S 1LB SL V/P	8.50	PC	425.00
FG10S	100.00	BALIK GOLD C/S 0.5L/227GR	4.50	PC	450.00
VLNOV	100.00	SALM.NOVA SLC 0.5LB/227GR	4.75	PC	475.00
F035	300.00	SEMG BELLIES PCS	2.10	LB	630.00
CHY2	500.00	CHEESE YOGURT LOAF	2.50	LB	1,250.00
MC05	400.00	CHEESE CANADIAN STYLE 4/5	2.15	LB	860.00
THANK YOU FOR YOUR PATRONAGE					

ALL PERISHABLE PRODUCTS MUST BE
KEPT REFRIGERATED AT ALL TIMES.
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REFRIGERATED AT 38° OR BELOW

INVOICE TOTAL 7,894.50

FREIGHT .00

PRIOR BALANCE 27,091.44
Payment

TOTAL DUE 34,985.94

Received X _____ DATE ____/____/____
SIGNATURETRADE SECRET/COMMERCIALLY SENSITIVE MATERIAL
PRODUCED PURSUANT TO PROTECTIVE ORDER

GOLD0028



GOLD STAR makes the BEST

GOLD STAR

570 SMITH ST., BROOKLYN, NY 11231
 Tel. (718) 522-1545; Fax (718) 260-9194
 e-mail: intl@goldstarco.com
 www.goldstarco.com

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WASHINGTON, DC 20003

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ORDER NO	ORDER DATE	CUSTOMER NO.	SALES PERSON	SHIP VIA	SHIP DATE	TERMS
		5475858	1	Pickup	01/20/99	BILL TO BILL

PRODUCT NUMBER	QUANTITY OR WEIGHT SHIPPED	DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
VNOV	5.00	SALM NOVA SLC 0.25LB/114G V/P	2.50	PC	12.50
VLNOV	3.00	SALM.NOVA SLC 0.5LB/227GR	4.75	PC	14.25
RG16	5.00	CAVIAR RED SALMON	10.00	LB	50.00
J000	12.00	WATER GEROLSTEINER 12/11t	.80	PC	9.60
ML01	24.00	KEFIR LOW FAT 12/32oz(LW)	1.55	PC	37.20
MFF5	3.00	FARMER CHEESE F/FREE/18X1	2.10	PC	6.30
MG05	15.80	FARMER CHEESE "GRANNY'S RECIPE"	2.45	LB	38.71
SPRED	12.00	TARAMOSALATA KRINOS12/8.5	1.55	PC	18.60
THANK YOU FOR YOUR PATRONAGE					

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INVOICE TOTAL	187.16
FREIGHT	.00
PRIOR BALANCE Payment	366.90
TOTAL DUE	554.06

Received X

 SIGNATURE

DATE ____/____/____

TRADE SECRET/COMMERCIALLY SENSITIVE MATERIAL
 PRODUCED PURSUANT TO PROTECTIVE ORDER

GOLD0029



GOLD STAR means the BEST

GOLD STAR

570 SMITH ST., BROOKLYN, NY 11231

Tel. (718) 522-1545; Fax (718) 260-9194

e-mail: intl@goldstarco.com

www.goldstarco.com

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BROOKLYN, NY 11229

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ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES PERSON	SHIP VIA	SHIP DATE	TERMS
		9984140	1	Goldstar	01/20/99	BILL TO BILL

PRODUCT NUMBER	QUANTITY OR WEIGHT SHIPPED	DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
F045	6.60	SPRATS SMK 6.6LB (HOLLAND)	2.90	LB	19.14
V005	3.00	BALIC CAPITAN C/S 3LBTRAY	10.00	LB	30.00
77028	10.00	CANDY "VASE BLANK" 10/724g	8.99	PC	89.90
J000	24.00	WATER GEROLSTEINER 12/11t	.80	PC	19.20
MA18	5.00	BUTTER AMISH UNS 5LB ROLL	4.00	LB	20.00
MC05	5.00	CHEESE CANADIAN STYLE 4/5	2.15	LB	10.75
SARDE	6.00	SARDELI-KNOCKWURST (EHMER)	2.50	LB	15.00
DOCTB	12.10	BOLOGNA BLK SKIN (SCHMALZ)	1.60	LB	19.36
KREST	6.20	KRESTIYANSKAYA (SCHMALZ)	1.75	LB	10.85
TELIL	9.40	SALAMI TELI LONG (BENDE)	4.20	LB	39.48
RLP	5.00	CHICKEN LIVER PATE (RED)	2.00	LB	10.00
<p style="text-align: center;">cash \$ 200.00</p> <p style="text-align: center;"><i>[Signature]</i></p> <p style="text-align: center;">THANK YOU FOR YOUR PATRONAGE</p>					

ALL PERISHABLE PRODUCTS MUST BE
KEPT REFRIGERATED AT ALL TIMES.
ALL FISH PRODUCTS MUST BE KEPT
REFRIGERATED AT 38° OR BELOW

INVOICE TOTAL	283.68
FREIGHT	.00
PRIOR BALANCE Payment	504.68
TOTAL DUE	788.36

Received X _____ DATE ____/____/____

SIGNATURE

TRADE SECRET/COMMERCIALLY SENSITIVE MATERIAL
PRODUCED PURSUANT TO PROTECTIVE ORDER

GOLD0030



GOLD STAR means the BEST

GOLD STAR**SMOKED FISH**

570 SMITH ST., BROOKLYN, N.Y. 11231
 Tel. (718) 522-1545 • (718) 522-1546
 Fax (718) 260-9194 Telex 177493 GOST UT

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HOMEWOOD, AL 35209

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ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES PERSON	SHIP VIA	SHIP DATE	TERMS
		8799292	1	UNITED	01/21/99	BILL TO BILL

PRODUCT NUMBER	QUANTITY OR WEIGHT SHIPPED	DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
F000	50.00	HERRING SUPER JUMBO 1/25	1.35	PC	67.50
FJ05	28.20	MACKEREL C/S	2.75	LB	77.55
RG16	5.00	CAVIAR RED SALMON	10.00	LB	50.00
C014	11.00	CANDY KOROVKA 11 LB (PLND	1.20	LB	13.20
198	30.00	TOSTED BREAD REGUL/15X300	.99	PC	29.70
MF01	12.00	KEFIR PLAIN 12/32 OZ (FM)	1.55	PC	18.60
M008	9.20	BRINZA MANNOURI KRINOS	3.25	LB	29.90
MM08	32.30	BRINZA MOLDAVSKAYA	2.70	LB	87.21
MFF5	18.00	FARMER CHEESE F/FREE/18X1	2.10	PC	37.80
MG05	9.30	FARMER CHEESE "GRANNY'S RECIPE"	2.45	LB	22.79
P003	72.00	RIGA SPRATS 72/160 GR	.55	PC	39.60
34005	12.00	PEPPERS ROASTED 12/24 oz	1.49	PC	17.88
SPRED	36.00	TARAMOSALATA KRINOS 12/15	2.00	PC	72.00
P020	50.00	BUCKWHEAT POLAND 25/16 oz	.55	PC	27.50
MIL	25.00	MILLET POLAND 25/16 oz	.70	PC	17.50
34501	48.00	TEA CEYLON "ANURA" 48/250g	2.35	PC	112.80
BOR	30.00	BREAD BORODINSKY 2 LB	1.80	PC	54.00
MOSK	19.20	SALAMI MOSCOWSKA (SCHMALZ)	2.15	LB	41.28
CHES	5.70	CHESNOCHNAYA (SCHMALZ)	1.70	LB	9.69

ALL PERISHABLE PRODUCTS MUST BE
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 REFRIGERATED AT 38° OR BELOW

INVOICE TOTAL 826.50

FREIGHT .00

PRIOR BALANCE .00

Payment

TOTAL DUE 826.50

Received X _____ DATE ____/____/____

SIGNATURE

TRADE SECRET/COMMERCIALLY SENSITIVE MATERIAL
 PRODUCED PURSUANT TO PROTECTIVE ORDER

GOLD0031



GOLD STAR means the BEST

GOLD STAR

570 SMITH ST., BROOKLYN, NY 11231

Tel. (718) 522-1545; Fax (718) 260-9194

e-mail: intl@goldstarco.com

www.goldstarco.com

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UTICA, NY 13501

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ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES PERSON	SHIP VIA	SHIP DATE	TERMS
		7320925	5	Goldstar	10/10/00	COD

PRODUCT NUMBER	QUANTITY OR WEIGHT SHIPPED	DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
11008	13.20	MACKEREL C/S LRGE 600gr+	2.40	LB	31.68
25013	3.40	VOBLA ASTRAKHANSKAYA SML	3.00	LB	10.20
90219	6.60	HAM OLD FASH HALF (EHMER) 4 HALF PER CASE	3.50	LB	23.10
F000	25.00	HERRING SUPER JUMB01/25PS	1.65	PC	41.25
FF01	6.00	HERRING IN OIL 16 OZ JAR	2.50	PC	15.00
25008	4.00	ODESSA STYLE TULKA 16 OZ	2.50	EA	10.00
F024	2.20	WHITEFISH H/S	3.25	LB	7.15
F20	7.80	SEMGA C/S SIDE SLICE V/P	8.50	LB	66.30
77870	1.00	CANDY FLANERIE 14/724gr	10.00	PC	10.00
77868	1.00	CANDY NOTRE-DAME 14/724gr	10.00	PC	10.00
77871	1.00	CANDY SOIR DE GALA 14/724	10.00	PC	10.00
77869	1.00	CANDY " CHAMPS-ELYSEES" 14/724gr	10.00	PC	10.00
KI27	12.00	COOKIE HONEY/12X1LB(ISRL)	1.70	PC	20.40
MF01	12.00	KEFIR PLAIN 12/32 OZ (FM)	1.55	PC	18.60
CHC1	28.60	CHEESE CANADA HAVARTI(SWI	2.19	LB	62.63
MC05	20.00	CHEESE CANADIAN STYLE 4/5	2.35	LB	47.00
MG05	30.50	FARMER CHEESE "GRANNY'S RECIPE"	2.09	LB	63.75
PH24	12.00	SUPER VEGETA 12/14 OZ.	1.65	PC	19.80
SPRED	12.00	TAMOSALATA KRINOS12/8.5	1.55	PC	18.60
GRI82	5.00	GRUZD'YA MUSHR. MARINATED	3.00	LB	15.00
GERMW	5.90	SAL GERM W-TE SKIN L (EHM	4.50	LB	26.55
RIBSB	5.10	BACON RIB BLACK (EHMER)	3.00	LB	15.30
BEEFE	15.70	SALAMI BEEF (EHMER)	4.35	LB	68.30
THANK YOU FOR YOUR PATRONAGE					

ALL PERISHABLE PRODUCTS MUST BE
KEPT REFRIGERATED AT ALL TIMES.
ALL FISH PRODUCTS MUST BE KEPT
REFRIGERATED AT 38° OR BELOW

INVOICE TOTAL

FREIGHT

PRIOR BALANCE

TOTAL DUE

Received X _____ DATE ____/____/____

SIGNATURE

TRADE SECRET/COMMERCIALLY SENSITIVE MATERIAL
PRODUCED PURSUANT TO PROTECTIVE ORDER

GOLD0032



GOLD STAR means the BEST

GOLD STAR

570 SMITH ST., BROOKLYN, NY 11231

Tel. (718) 522-1545; Fax (718) 260-9194

e-mail: intl@goldstarco.com

www.goldstarco.com

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SUNNY ISLAND BE, FL 33160

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ORDER NO	ORDER DATE	CUSTOMER NO.	SALES PERSON	SHIP VIA	SHIP DATE	TERMS
		7059333	12	Goldstar	05/15/01	COD

PRODUCT NUMBER	QUANTITY OR WEIGHT SHIPPED	DESCRIPTION	UNIT PRICE	PER UNIT	AMOUNT
33602	1.00	EMPIRE GREEN TEA 12/20 TB	15.00	CA	15.00
33604	1.00	EMPIRE EARL GREY 12/20TB	15.00	CA	15.00
10001	2.00	HERRING JUMBO 1/30 PCS	33.00	PA	66.00
10004	24.00	HERRING IN OIL 16 OZ JAR	2.50	EA	60.00
11008	58.10	MACKEREL C/S LRGE 600gr+	2.25	LB	130.73
11005	12.70	MACKEREL H/S	2.50	LB	31.75
25001	1.00	SPRATS SMK 6.6LB(HOLLAND)	19.99	CA	19.99
25009	35.40	RUSSIAN VOBLA DRY BY LB	6.50	LB	230.10
23000	5.00	ASSORTMENT-2 0.5LB/227GR	4.50	EA	22.50
23005	5.00	ASSORTMENT-4 0.68LB/309GR	6.50	EA	32.50
40116	2.00	KEFIR PLAIN 12/32oz (LW)	18.60	CA	37.20
40132	1.00	KEFIR MIX 12/32 oz(LW)	19.80	CA	19.80
40160	1.00	RYAZHENKA 12/32oz (LW)	16.80	CA	16.80
40901	1.00	BUTTER SLEN COW 24/12 oz	44.40	CA	44.40
40903	1.00	BUTTER VOLOGDSKOE 30/8 oz	52.50	CA	52.50
16002	3.50	EELS H/SMK CHUNK V/P	11.00	LB	38.50
40201	27.30	CHEESE MADRIGAL (SWROSE)	2.55	LB	69.62
40601	17.50	GREEK FETA MANOURI(KRINOS	2.65	LB	46.38
40114	1.00	KRESTYANSKY CHEESE 18/1LB	42.30	CA	42.30
40112	1.00	FARMER CHEESE 18/16oz(LW)	40.50	CA	40.50
41501	33.00	FARMER CHEESE"GRANNY,S RECIPE	2.10	LB	69.30
41800	3.00	SOUR CREAM 10 LB.	8.50	EA	25.50
70112	1.00	CANDY CREAMY FUDGE1/8.81B	10.10	CA	10.10
53303	1.00	POLISH TORTIK 12/250GR	18.60	CA	18.60
30803	1.00	SUNFLOWER VANILA HALVAH	8.25	CA	8.25
THANK YOU FOR YOUR PATRONAGE					

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KEPT REFRIGERATED AT ALL TIMES.
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REFRIGERATED AT 38° OR BELOW

INVOICE TOTAL

FREIGHT

PRIOR BALANCE

TOTAL DUE

Received X _____ DATE ____/____/____

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TRADE SECRET/COMMERCIALLY SENSITIVE MATERIAL
PRODUCED PURSUANT TO PROTECTIVE ORDER

GOLD0033

GOLD STAR 2001

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TRADE SECRET/COMMERCIALLY SENSITIVE MATERIAL
PRODUCED PURSUANT TO PROTECTIVE ORDER

GOLD0019

1. Item number 97002

On Hand: .000

2. Description CHICKEN BOLOGNA

Available: .000

EItem 97002 history: Basic view f»

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TRADE SECRET/COMMERCIALLY SENSITIVE MATERIAL
PRODUCED PURSUANT TO PROTECTIVE ORDER

GOLD STAR 2001

On Hand: 9.050-

Available: 9.050-

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1. Introduction

° Jan **RETRACTED** °

◦ Feb **REINVENTED** ◦

° Mar REF ID: A61111 °

APR 19 1964

DECLARED

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TRADE SECRET/COMMERCIALLY SENSITIVE MATERIAL
PRODUCED PURSUANT TO PROTECTIVE ORDER

GOLD0022

GOLD STAR 2001

On Hand: 4,431.000

Available: 4,431.000

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TRADE SECRET/COMMERCIALLY SENSITIVE MATERIAL
PRODUCED PURSUANT TO PROTECTIVE ORDER

GOLD0025

GOLD STAR 2001

On Hand: 4,431.000

Available: 4,431.000

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REF ID: A61171

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TRADE SECRET/COMMERCIALLY SENSITIVE MATERIAL
PRODUCED PURSUANT TO PROTECTIVE ORDER

GOLD0026

EMPLOYEE'S PERSONNEL FILE*

NAME
KRUMGALZ, Jacob

SOCIAL SECURITY #
REDACTED

DATE OF EMPLOYMENT
06/22/1998

PRINT EMPLOYEE'S NAME ON TAB AT TOP OF FILE FOR EASY REFERENCE

Address Information

	DATE	ADDRESS	CITY	STATE	ZIP CODE	TELEPHONE
1						()
2						()
3						()
4						()

Education

ELEMENTARY SCHOOL	JR. HIGH SCHOOL	HIGH SCHOOL
COLLEGE	YEARS COMPLETED	MAJOR
DEGREES RECEIVED		
OTHER EDUCATION		
SPECIAL TRAINING		

EMERGENCY INFORMATION

NOTIFY

NAME		RELATIONSHIP
ADDRESS		
CITY	STATE	ZIP CODE
PHONE ()		

COMPANY BENEFITS

	DATE ELIGIBLE	DATE JOINED	WITHD
CREDIT UNION			
GROUP INSURANCE			
PENSION PLAN			
PROFIT SHARING			
CHECK-OFF AUTHORIZATION			
COMPANY TRAINING			

Employment Record

FROM	TO	JOB TITLE	DEPARTMENT	IMMEDIATE SUPERVISOR	WAGE SCALE	OBJECTIVE REASON FOR CHANGE / RATING

Four Seasons Dairy, Inc., Petitioner
v.
International Gold Star Trading Corp, Registrant
Cancellation No. 92/042.082
Registrant Exhibit 126
KX
10/16/08

Form W-4 (1998)

Purpose. Complete Form W-4 so your employer can withhold the correct Federal income tax from your pay. Because your tax situation may change, you may want to refigure your withholding each year.

Exemption from withholding. If you are exempt, complete only lines 1, 2, 3, 4, and 7, and sign the form to validate it. Your exemption for 1998 expires February 16, 1999.

Note: You cannot claim exemption from withholding if (1) your income exceeds \$700 and includes unearned income (e.g., interest and dividends) and (2) another person can claim you as a dependent on their tax return.

Basic instructions. If you are not exempt, complete the Personal Allowances Worksheet. The worksheets on page 2 adjust your

withholding allowances based on itemized deductions, adjustments to income, or two-earner/two-job situations. Complete all worksheets that apply. They will help you figure the number of withholding allowances you are entitled to claim. However, you may claim fewer allowances.

New—Child tax and higher education credits. For details on adjusting withholding for these and other credits, see Pub. 919, Is My Withholding Correct for 1998?

Head of household. Generally, you may claim head of household filing status on your tax return only if you are unmarried and pay more than 50% of the costs of keeping up a home for yourself and your dependent(s) or other qualifying individuals.

Nonwage income. If you have a large amount of nonwage income, such as interest or dividends, you should consider making estimated tax payments using Form 1040-ES. Otherwise, you may owe additional tax.

Two earners/two jobs. If you have a working spouse or more than one job, figure the total number of allowances you are entitled to claim on all jobs using worksheets from only one W-4. Your withholding will usually be most accurate when all allowances are claimed on the W-4 filed for the highest paying job and zero allowances are claimed for the others.

Check your withholding. After your W-4 takes effect, use Pub. 919 to see how the dollar amount you are having withheld compares to your estimated total annual tax. Get Pub. 919 especially if you used the Two-Earner/Two-Job Worksheet and your earnings exceed \$150,000 (Single) or \$200,000 (Married). To order Pub. 919, call 1-800-829-3676. Check your telephone directory for the IRS assistance number for further help.

Sign this form. Form W-4 is not valid unless you sign it.

Personal Allowances Worksheet

A	Enter "1" for yourself if no one else can claim you as a dependent	A
B	Enter "1" if: <ul style="list-style-type: none">• You are single and have only one job; or• You are married, have only one job, and your spouse does not work; or• Your wages from a second job or your spouse's wages (or the total of both) are \$1,000 or less.	B
C	Enter "1" for your spouse. But, you may choose to enter -0- if you are married and have either a working spouse or more than one job. (This may help you avoid having too little tax withheld.)	C
D	Enter number of dependents (other than your spouse or yourself) you will claim on your tax return	D
E	Enter "1" if you will file as head of household on your tax return (see conditions under Head of household above)	E
F	Enter "1" if you have at least \$1,500 of child or dependent care expenses for which you plan to claim a credit	F
G	New—Child Tax Credit: • If your total income will be between \$16,500 and \$47,000 (\$21,000 and \$60,000 if married), enter "1" for each eligible child. • If your total income will be between \$47,000 and \$80,000 (\$60,000 and \$115,000 if married), enter "1" if you have two or three eligible children, or enter "2" if you have four or more	G
H	Add lines A through G and enter total here. Note: This amount may be different from the number of exemptions you claim on your return.	H

For accuracy, complete all worksheets that apply.

- If you plan to itemize or claim adjustments to income and want to reduce your withholding, see the Deductions and Adjustments Worksheet on page 2.
- If you are single, have more than one job, and your combined earnings from all jobs exceed \$32,000 OR if you are married and have a working spouse or more than one job, and the combined earnings from all jobs exceed \$55,000, see the Two-Earner/Two-Job Worksheet on page 2 to avoid having too little tax withheld.
- If neither of the above situations applies, stop here and enter the number from line H on line 5 of Form W-4 below.

Cut here and give the certificate to your employer. Keep the top part for your records.

Form W-4 Department of the Treasury Internal Revenue Service		Employee's Withholding Allowance Certificate		OMB No. 1545-0010 1998	
▶ For Privacy Act and Paperwork Reduction Act Notice, see page 2.					
1 Type or print your first name and middle initial JACOB		Last name KRUMGALZ		2 Your social security number REDACTED	
REDACTED REDACTED		3 <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Married, but withhold at higher Single rate. Note: If married, but legally separated, or spouse is a nonresident alien, check the Single box.			
		4 If your last name differs from that on your social security card, check here and call 1-800-772-1213 for a new card <input type="checkbox"/>			
5 Total number of allowances you are claiming (from line H above or from the worksheets on page 2 if they apply)				5	
6 Additional amount, if any, you want withheld from each paycheck				6	\$
7 I claim exemption from withholding for 1998, and I certify that I meet BOTH of the following conditions for exemption: <ul style="list-style-type: none">• Last year I had a right to a refund of ALL Federal income tax withheld because I had NO tax liability AND• This year I expect a refund of ALL Federal income tax withheld because I expect to have NO tax liability. If you meet both conditions, enter "EXEMPT" here				7	
Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate or entitled to claim exempt status.					
Employee's signature ▶		Date ▶		, 19	
8 Employer's name and address (Employer. Complete 8 and 10 only if sending to the IRS)		9 Office code (optional)		10 Employer identification number 11 2930052	

1998

Employee's Withholding Allowance Certificate

IT-2104

New York State • City of New York • City of Yonkers

Print or type	Last name	First name and middle initial	REDACTED <input type="checkbox"/> Single/Head of Household <input type="checkbox"/> Married <input type="checkbox"/> Married but withholds at higher single rate <input type="checkbox"/> Qualifying widower Note: If married but legally separated, check the Single/Head of Household box.
	Permanent address		
REDACTED			
Complete the worksheet on the back before making any entries			
1. Total number of allowances you are claiming for New York State and the city of Yonkers, if applicable (from line 1).			1
Lines 2 and 3 apply only to city of New York taxpayers.			
2. Allowances for New York State credits, if applicable (from lines 9 through 11 on the back)			2
3. Total number of allowances for city of New York (subtract line 2 from line 1)			3
Use lines 4, 5 and 6 below to have additional withholding per pay period under special agreement with your employer.			
4. New York State amount			4
5. City of New York amount			5
6. City of Yonkers amount			6
I certify that I am entitled to the number of withholding allowances claimed on this certificate.			
Employee's signature			
Employer's name and address (For New York City taxpayers, this section only if sending to New York State Tax Department)			Date
Int'l Gold Star Laundry Corp. 570 Smith St. BRONX N.Y. 10451 11-29-00			

Cut here and give the completed certificate to your employer

Instructions

Who Should File This Form

The certificate (Form IT-2104) is completed by an employee and given to the employer to instruct the employer how much New York State (and New York City and Yonkers) tax to withhold from the employee's pay. The more allowances claimed, the lower the amount of tax withheld.

If you do not file Form IT-2104, your employer may use the same number of allowances you claimed on federal Form W-4. Due to differences in tax law, this may result in an inappropriate amount of tax withheld for New York State, New York City and Yonkers. Complete a Form IT-2104 each year and file it with your employer if the number of allowances you may claim is different than on federal Form W-4 or has changed. Common reasons why you should complete a new Form IT-2104 include the following:

- you started a new job;
- you are no longer a dependent;
- your individual circumstances may have changed (for example, you were married or have an additional child);
- you itemize your deductions on your personal income tax return;
- you claim allowances for New York State credits;
- you owed tax or received a large refund when you filed your personal income tax return for the past year;
- you have significantly more or less income from other sources or from another job;
- you no longer qualify for exemption from withholding; or
- you have been advised by the Internal Revenue Service that you are entitled to fewer allowances than claimed on your original federal Form W-4, and the disallowed allowances were claimed on your original IT-2104.

Exemption From Withholding

You cannot use this Form IT-2104 to claim exemption from withholding.

To claim exemption from income tax withholding, you must file Form IT-2104-E, *Certificate of Exemption from Withholding*, with your employer. You must file a new certificate each year. This

exemption from withholding is allowable only if you had no New York income tax liability in the prior year, you expect none in the current year, and you are over 65 years of age, under 14, or a full-time student under 25. If you are a dependent who is under 18 or a full-time student, you are liable for tax if your income is more than \$3,000.

Avoid Underwithholding

You may not claim a withholding allowance for yourself or, if married, your spouse. Claim the number of withholding allowances you figure on Part I on the back of this form. If you want more tax withheld, you may claim fewer allowances. If you arrive at negative allowances (less than zero) on lines 1, 3 or 18, and your employer cannot accommodate negative allowances, enter "0" and ask your employer to withhold an additional dollar amount each pay period by completing lines 4, 5 and 6 on the allowance certificate. You may also consider filing estimated tax. Estimated tax requires that payments be made by the employee directly to the Tax Department on a quarterly basis. For more information see the instructions for Form IT-2105, *Estimated Income Tax Payment Voucher*. If you need assistance, see *Need Help?* on the back of this form. If you claim more than 14 allowances, your employer must send a copy of your Form IT-2104 to the New York State Tax Department. You may then be asked to verify your allowances.

Penalty - A penalty of \$500 will be imposed for any false statement you make that decreases the amount of money you have withheld from your wages. You may also be subject to criminal penalties.

Income From Sources Other Than Wages

If you have more than \$1,000 of income from sources other than wages (such as interest, dividends or alimony received), reduce the number of allowances claimed on line 1 of the IT-2104 certificate by one for each \$1,000 of nonwage income. If you arrive at negative allowances (less than zero), see *Avoid Underwithholding* above.

Lines 8 and 11

When a taxpayer is eligible for both the household credit and the earned income credit, the earned income credit must be reduced by the household credit. If you expect to claim the earned income credit on line 11, enter "1" on line 8.

Heads of Households With Only One Job

If you will use the head-of-household filing status on your state income tax return, check the *Single/Head of Household* box on the front of the certificate. If you have only one job, you may also wish to claim two additional withholding allowances on Part I, line 12.

Married Couples With Only One Spouse Working

If your spouse does not work and has no income subject to state income tax, check the *Married* box on the front of the certificate. You may also wish to claim two additional allowances on Part I, line 13.

Married Couples With Both Spouses Working

If you and your spouse both work, you should each file a separate IT-2104 certificate with your respective employers. You should each check the box *Married but withholds at higher single rate* on the certificate front, and divide the total number of allowances that you compute on line 18 between you and your working spouse. Your withholding will better match your final tax if the higher-wage earning spouse claims all of the couple's allowances and the lower-wage earning spouse claims zero allowances. Do not claim more allowances than you are entitled to. If the total income of you and your spouse is between \$100,000 and \$150,000, use the chart in Part II to compute the number of allowances to transfer to Part I, line 17.

Taxpayers With More Than One Job

If you have more than one job, file a separate IT-2104 certificate with each of your employers. Be sure to claim only the total number of allowances that you are entitled to. Your withholding will better match your final tax if you claim all of your allowances at your higher-paying job and zero allowances at the lower-paying job. Additionally, to make sure that you have enough tax withheld, if you are a single taxpayer or head of household with two or more jobs, reduce the number of allowances by one on line 1 on the certificate you file with your higher-paying job employer if you have a negative allowance (less than zero); see *Avoid Underwithholding* above.

GOLD 0305

U.S. Department of Justice
Immigration and Naturalization Service

OMB No. 1115-0136

Employment Eligibility Verification

Please read instructions carefully before completing this form. The instructions must be available during completion of this form. **ANTI-DISCRIMINATION NOTICE.** It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins

Print Name: Last KRUMGALZ First JACOB Middle Initial	Maiden Name
Address (Street Name and Number) REDACTED REDACTED	Date of Birth (month/day/year) REDACTED
City	Social Security # REDACTED
I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.	
I attest, under penalty of perjury, that I am (check one of the following): <input checked="" type="checkbox"/> A citizen or national of the United States <input type="checkbox"/> A Lawful Permanent Resident (Alien # A) <input type="checkbox"/> An alien authorized to work until (Alien # or Admission #)	
Employee's Signature	Date (month/day/year)

Preparer and/or Translator Certification. (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	Date (month/day/year)

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C as listed on the reverse of this form and record the title, number and expiration date, if any, of the document(s)

List A	OR	List B	AND	List C
Document title: CERTIFICATE OF NATURALIZATION REDACTED REDACTED				
Issuing authority:				
Document #:				
Expiration Date (if any):				
Document #:				
Expiration Date (if any):				

CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment).

Signature of Employer or Authorized Representative	Print Name Galina Pincow	Title Gen. Mgr.
Business or Organization Name Intl Gold Star Trading Corp.	Address (Street Name and Number, City, State, Zip Code) 570 South St. BRLN N.Y. 11231	Date (month/day/year)

Section 3. Updating and Reverification. To be completed and signed by employer

A. New Name (if applicable)	B. Date of rehire (month/day/year) (if applicable)
C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility. Document Title: Document #: Expiration Date (if any):	
I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.	
Signature of Employer or Authorized Representative	Date (month/day/year)

EMPLOYEE PERSONAL DATA SHEET

Last Name KRUNGALZ First Name JACOB MI MI

Home Tel. REDACTED Sex: (M/F) (please circle)

Date of Birth REDACTED Social Security # REDACTED

Home Address REDACTED Apt. # REDACTED

City REDACTED State REDACTED Zip Code REDACTED

Marital Status: Single / Married / Divorced / Widowed (please circle)

Spouse's Name REDACTED

Emergency Contact Name REDACTED

Emergency Tel. REDACTED

Signature: [Signature] Date Signed 06/19/98

Office Use Only:

Dept. # File # Hire/Term. / / || / /

Position: F/T P/T

Emp. ID Sal. Hrs. Rate Miscel.

CONFIDENTIAL

Property of Int'l Gold Star Trading Corp., 570 Smith St., Brooklyn, NY 11231
Tel. (718) 522-1545

GOLD 0307

г. Нью-Йорк

June 19 1998

ДОГОВОР

О МАТЕРИАЛЬНОЙ ОТВЕТСТВЕННОСТИ

«International Gold Star Trading Corp.», именуемая в дальнейшем «Работодатель», с одной стороны, и KREIMGALZ JACOB (фамилия, имя), именуемый/ая в дальнейшем «Работник», с другой стороны, заключили настоящий Договор о нижеследующем:

1. «Работодатель» принимает «Работника» на работу в качестве manager, на SALES с полной материальной ответственностью.

2. Полная материальная ответственность «Работника» распространяется на все товаро-материальные ценности «Работодателя», полученные «Работником» на основании товарных или товаро-транспортных накладных.

3. «Работодатель» ознакомливает «Работника» с правилами приема и выдачи товара, а также порядком ведения учета и отчетности на его участке работы.

«Работодатель»

фамилия, имя

подпись

«Работнику»

JACOB KREIMGALZ
фамилия, имя

подпись

С правилами приема и выдачи товара, а также порядком ведения учета и отчетности на моем участке работы ознакомлен.

«Работнику»

JACOB KREIMGALZ
фамилия, имя

подпись

GOLD 0308

Richard L. Johnson Jr.
Commissioner of Motor Vehicles
REDACTED

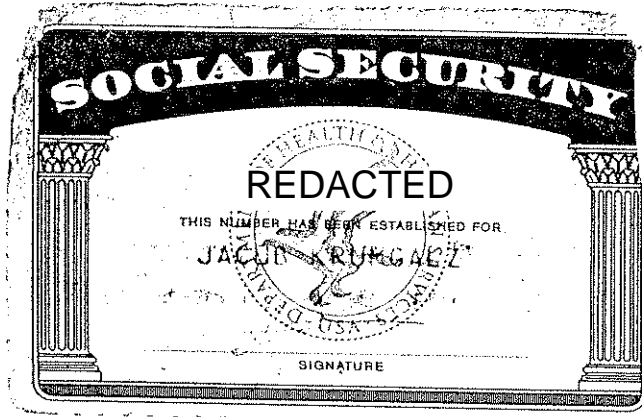


**COMMERCIAL
DRIVER LICENSE**
REDACTED

KRUMGALZ, JACOB
REDACTED

SEX: M EYES: BR HT: 5-07 CLASS: B
END: P REST:
ISSUED: 04-23-98 EXPIRES: 05-26-03

[Signature]
58476810



GOLD 0309

THE UNITED STATES OF AMERICA

DEPARTMENT OF



NATURALIZATION

No. REDACTED

Personal description of holder
as of date of naturalization:

Date of birth: REDACTED

Sex: MALE

Height: 5 feet 07 inches

Marital status: MARRIED

Country of former nationality:
USSR

INS Registration No. REDACTED

*I certify that the description given is true, and that the photograph affixed
hereto is a likeness of me.*

JACOB KRUMGALZ

(Complete and true signature of holder)

Be it known that, pursuant to an application filed with the Attorney General

at: NEW YORK, NY

The Attorney General having found that:

JACOB KRUMGALZ

*then residing in the United States, intends to reside in the United States when so
required by the Naturalization Laws of the United States, and had in all other
respects complied with the applicable provisions of such naturalization laws and was
entitled to be admitted to citizenship, such person having taken the oath of allegiance
in a ceremony conducted by the*

U.S. DISTRICT COURT
FOR THE EASTERN DISTRICT

at: BROOKLYN, NY

on FEBRUARY 23RD, 1996

that such person is admitted as a citizen of the United States of America.

IT IS PUNISHABLE BY U. S. LAW TO COPY,
PRINT OR PHOTOGRAPH THIS CERTIFICATE,
WITHOUT LAWFUL AUTHORITY.

Commissioner of Immigration and Naturalization

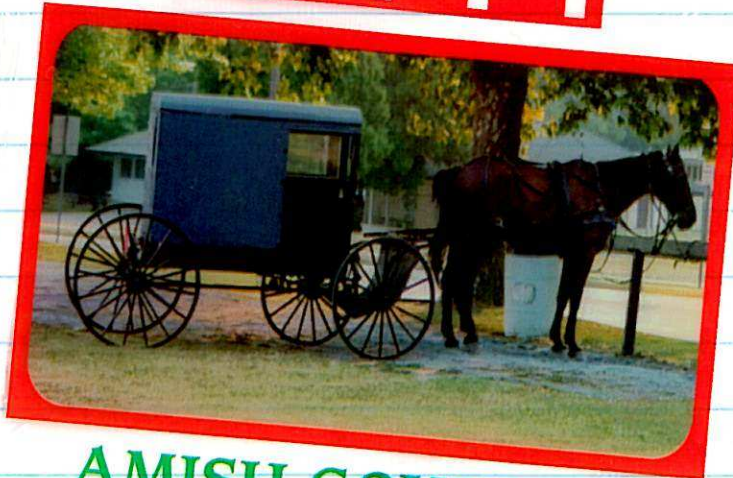
DEPARTMENT OF JUSTICE

GOLD 0310

JACOB KRUMGALZ



AMISH LAPPI



AMISH GOURMET

Made from Amish Milk

Semisoft Cheese
Part-Skim Milk

Ingredients: Pasteurized Part Skim Milk, Salt, Enzymes, and Cultures

AMISH LAPPI
Semisoft Cheese Part-Skim Milk

PRODUCT OF OUR
ROYAL SEAFOOD
ONTARIO 6A3A
TOTAL PRICE 4.51
10.27.08 0.765
10.13.08
PACKED ON USE BY
AMISH LAPPI CHEESE
Plant # 39-152

Nutrition Facts

Serving Size 1 oz (28 grams)
Amount Per Serving % Daily Value*

Calories 80 from Fat	50
Total Fat 6g	9%
Saturated Fat 3.5g	18%
Trans Fat 0g	0%
Cholesterol 15mg	6%
Sodium 35mg	4%
Protein 8g	

Vitamin A 6%	Vitamin C 0%
Calcium 25%	Iron 2%

KEEP REFRIGERATED
35°F - 40°F

MANUFACTURED EXCLUSIVELY FOR: **FOUR SEASONS DAIRY INC.**
BROOKLYN, NY 11204, 718-567-7877

Four Seasons Dairy, Inc., Petitioner
v.
International Gold Star Trading Corp., Registrant
Cancellation No. 92/042,082

Registrant Exhibit 127 K4
10-16-08